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# THE SECRET SERVICE

OF THE

CONFEDERATE STATES IN EUROPE

OR,

How the Confederate Cruisers were Equipped.

BY

JAMES D. BULLOCH,

NAVAL REPRESENTATIVE OF THE CONFEDERATE STATES IN EUROPE DURING  
THE CIVIL WAR.

IN TWO VOLUMES.

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# THE SECRET SERVICE

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### CHAPTER I.

English Political Parties and the Civil War.—Pertinacity of Mr. Secretary Seward.—Vacillation of the Liberal Government.—Present Position of the Liberal Party.—The French Proclamation of Neutrality.—Arrangements for building cruisers at Bordeaux.—Appropriation of £2,000,000 for Ironclads by Congress.—Financial difficulties.—Propositions to purchase vessels from the French Navy.—Correspondence concerning the vessels building in France.—Deceptive attitude of the French Government.—The vessels sold by their imperative orders.—Panic at Boston and New York regarding the Confederate cruisers.

THE compilers of the 'Case' which was laid before the Tribunal of Arbitration at Geneva on behalf of the United States, asserted that England was the 'arsenal and treasury' of the Confederate States. The Board of Trade returns demonstrate that both belligerents drew upon Great Britain for the 'sinews of war,' but that the United States obtained them in far greater quantities and with incomparably less difficulty than their adversary. However, the statement was in itself true, although the

inference which it was the purpose of the 'Case' to suggest was not true.

It is hardly an exaggeration—it certainly is not a mere 'figure of speech'—to say that Great Britain is the arsenal, treasury, and dockyard of the greater part of the world. There is scarcely a civilized country which is not a debtor to England, either for a direct loan, or for help to develop her resources by the construction of what are called 'internal improvements.' British guns and British powder do duty in every war. British-built ironclads form a part of nearly every foreign navy, and the commercial flags of many countries cover hulls of the well-known British type. No one whose faculties are not dwarfed by prejudice, or whose powers of observation are not contracted by national conceit, can or will deny that in the great mechanic arts, in building ships and manufacturing the heavy engines to propel them especially, Great Britain has outstripped all competitors. She actually owns about sixty per cent. of the world's shipping, and has supplied to others a portion of the remaining forty per cent.

France, in regard to ships, at least, has been exceptionally independent, and both Germany and Italy are diligently extending their dockyard capacities; but I think a practical man who wanted a first-class ship and engines, or a large quantity of well-made arms for quick delivery, or a batch of great guns in which he could feel confidence, or any heavy iron or steel work, would almost instinctively come to England to supply his want; and if a foreign company wished money for some great engineering enterprise, they would be more likely to carry the scheme to London than to any other capital, and would look for the money in Lombard Street before going anywhere else.



This was certainly the view taken by the Confederate Government at the beginning of the Civil War. It was to England that their agents were first sent, and it was to England that they looked for a quick supply of all necessities. Her Britannic Majesty's Proclamation of Neutrality was issued on May 13th, 1861. That document began with the usual preamble, then cited the clauses of the Foreign Enlistment Act (second, seventh, and eighth) which were most likely to be infringed, then expressed a kindly intimation that the primary object was to save British subjects from the danger of breaking the law through inadvertence, and finally warned all persons that they would incur the penal consequences of the statute and of the law of nations if they offended them in any particular.

The proclamation was eminently British, and therefore eminently constitutional. There was, first, the royal acknowledgment of the supremacy of the law, then the loving solicitude for the subject, then the warning to all parties not to infringe the statute, then a plain straightforward statement that those who did offend would be left to take the consequences, whether by due process of law within the kingdom, or by such penalties as a belligerent might inflict if the offender was caught without the kingdom. There was no voluntary exposition of the law in the proclamation, no dogmatic prohibition against specified acts ; everyone was commanded not to infringe the statute, but he was left to discover precisely what was forbidden and what was permissible through his own instincts, or, if he was wise and prudent, by the help of those who were learned in the law.

To the representative of a belligerent the document at first blush seemed very plain and very satisfactory. He had only to consult two or more eminent gentlemen of

the 'wig and gown,' and to walk within the lines prescribed by them, in order to obtain all that it was admissible for him to buy with money, and to be sure of what he could do, without fear of penalty, or the feeling that he was oppressed by a load of obligation. It has been shown in a previous chapter that the Confederate agents took every practicable precaution, and made every possible effort to discover the intent, the scope, and the technical meaning of the law. They seem to have been correctly advised, because the opinion given them by counsel at the very beginning of the war was confirmed by the official statements of Ministers of the Crown, and afterwards settled beyond further dispute by the decision of a court of law. However, the Confederate Government soon found that even in constitutional England the declarations of Ministers do not always establish a policy with the rigid constancy of the Medes and Persians, and that a Secretary of State can enforce restraints upon trade, and can practically hinder a traffic which is not only guiltless in principle, according to his own previous showing, but which the duly constituted courts have declared to be legal.

It is neither my wish nor my purpose to impute unworthy motives or fears to any British Minister, and nothing would induce me to write a single sentence that could influence the people of the South to harbour an unkind thought against Great Britain. I have already expressed the opinion that a great majority of the people of England sympathized with the South, and I could name many eminent men in both Houses of Parliament who took the trouble to examine the questions at issue between the two sections of the Union, and who were satisfied that the South was right in principle and justified in law. Some of the leading literary journals

of the kingdom warmly espoused and ably defended the Southern cause during the whole of the contest, and have not been moved from their political opinions, or persuaded to shrink from expressing them on all suitable occasions, by the glamour which success has cast over the opposite and victorious side.

The commissioners and the principal agents of the Confederate States in England had opportunities for learning the feelings of different members of the Government, and of prominent men in both of the great parties, with a very near approach to certainty. I shall not be guilty of the indiscretion of classifying the Cabinet by name, but I may say that it was a common belief among the representatives of the Confederate States that two members of the Ministry, at least, were very favourable to the South, and that still another would have been disposed to give some support to certain members of the House of Commons who wished to bring in a motion for the recognition of the Government at Richmond, if he had not been impressed with the belief that the separation of the States was final, and that it would be both unnecessary and impolitic for the Government to give undue offence or encouragement to either of the combatants.

The Liberal Party was in power during the whole of the war, and the same Party, and a Cabinet composed of very nearly the same Ministers, were again in power at the time when the Treaty of Washington was negotiated in 1871—a treaty whose object it was to settle the '*Alabama* claims,' and which resulted in the Geneva Arbitration, and the £3,000,000 damages. I have never thought that the leaning towards either side in the American Civil War was due to any well-defined Party tendencies in Great Britain. I have the strongest possible reasons

for believing that if the Conservative Party had been in power, their policy would have been strictly neutral, and the Confederate Government would not have been recognised. But at the same time I believe that the Advanced Liberals, or Radicals, as they are sometimes called, and who are generally supposed to have Republican tendencies, were favourable to the North. The politicians and statesmen of that class are in general harmony with the Liberal Party, and most independent observers think they are gradually getting the control of it. Those Advanced Liberals had persuaded themselves to regard the Government of the United States as 'a Government for the people by the people,' and they feared that a final dissolution of the Union would be considered a failure of the Republican form of Government, and would check, if not destroy, the progress towards a more Democratic system in Europe.

The temperament and type of mind which inclines a man to Radical and thorough changes, makes him also ardent, active, and aggressive. He rarely if ever convinces his open and avowed political adversary, who is altogether a person of different mould, but he as rarely fails to persuade, or to overcome by his restless untiring energy, the scruples of those who are bound to him by hereditary loyalty to a Party name, which has come to be associated in their minds with ideas of benevolent legislation and philanthropic progress, but who are nevertheless often startled by the suddenness and rapidity of the forward movement.

There were some strong men of the above type in the counsels of the Liberal Party, if not in the Cabinet, at the time of the Civil War, and the ardour with which they supported the Federal Government, and the vehemence with which they denounced the Southern

leaders and the Southern people, are still fresh in the memory of those representatives of the Confederacy who survive. Even at this late date, when the best men at the North and at the South are trying to forget the injuries inflicted upon each other during the strife, when there seems to be a growing desire on both sides of the Potomac to shun all references to the causes of the war, and to fix the memory and the hearts of the people upon subjects of past history which they can dwell upon with feelings of common sympathy, the English Radical, true to his unfailing instincts, and heedless of the fact that the lately dissevered States are again both in amity and in union, continues to arouse the bitter memories of one side, and to inflame the jealous suspicion of the other, with no other visible or imaginable purpose than to illustrate some favourite political crotchet.

As recently as last year (May, 1882) a leader of the Radical wing of the Liberal Party, and a member of the Cabinet, used the opportunity, while delivering a literary address, to taunt the South with reference to that 'institution' which expired seventeen years ago, and chose for his illustration a poem which is none the less unfair in spirit because its statements may be borne out by exceptional facts. Is it possible that men filling high and responsible positions can think it prudent and politic (I do not say friendly and Christian-like) thus to remind the six million Anglo-Americans of the Southern States that there are still among the leaders of that Party which now governs England probable future Ministers who can thus ignore the duties of international comity, and who wilfully transgress those rules of courtesy and respect for the feelings of others which are commonly thought to be essential marks of a well-bred man in private life?

Everyone even moderately acquainted with American political history, and who knows anything of the exigencies of Parties in the United States, must be aware that it is possible for a comparatively small minority of the electors in that country, when impelled to act and vote together by some common feeling, to hold the balance between the two principal Parties, and when such a contingency arises at the time of a Presidential election, they may have it in their power to determine the foreign policy of the Government. This may be seen now in the tampering of both Parties with the question of Chinese immigration, each wishing to conciliate the trans-Rocky-Mountain States.

Thoughtful and observant men perceive a danger to England in the Irish American vote. If any considerable portion of the Southern people should be impelled by a feeling of irritation against England to cast their votes with that already embittered faction at the North, the complications of the Irish question might be increased so as to become a permanent menace and real danger to Great Britain. Men at the South who read and reflect would regret such a course of events, and the alliance which would tend to produce such consequences ; but where universal suffrage prevails, it is the floating masses who turn the scale ; and they, as all experience has shown, act from impulse, and not from conviction.

I would like, so far as it is in my power, to convince the people of the South that a vast majority of both of the great English Parties, and of the people of Great Britain generally, have the most kindly feelings for the United States, without reference to geographical divisions, or the partialities which were manifested during the Civil War. I confidently believe that the best men among Conservatives and Liberals alike have no other

wish than for the happiness, prosperity, and perpetuity of the American Union. I believe that sympathy for the South was more general among Conservatives than among Liberals; but probably this difference was only apparent because the Radicals, who are a section of the Liberal Party, were to a man, so far as I know, for the North. The Conservative and the Moderate, or genuine Liberals, whatever were their opinions or sympathies during the war, have ceased to foster any ill-will towards either side, and they have the good sense and the good feeling to avoid all reference to irritating reminiscences when they have occasion to speak of the United States. The unadulterated Radical is, however, too thorough to be fettered by the dictates of prudence or the restraints of a politic reserve. To refrain from expressing an opinion because it might wound his neighbour's feelings, or unnecessarily irritate his opponent, seems to him very like the suppression of the truth. He confounds bluntness with honesty, and in the eagerness to enforce his views he adds denunciation to argument. His Liberalism consists in an unlimited license to all others to think and to act as he dictates. He is full of flattery, and practises even an appearance of subserviency, to those who will take the lead in measures that he approves, but becomes restive and even dictatorial if there is any hesitation or sign of halting. The labouring man is his hobby, the peer and the landowner are his aversion; but it is noticeable that his fondness for and interest in the artizan and the workman are not so much for the individual as the class, and are manifested rather in exciting their jealousy and ill-will against those who are above them than in stimulating their pride and arousing their energies with the laudable purpose to elevate themselves. It seems hardly possible

for a 'Radical' to defend a principle or to support a policy wholly upon the merits of the questions involved, and then to accept the result with patience if defeated, and with moderation if successful.

During the American Civil War the English Radical took sides with the North. He defended the action of the Federal Government with ardour, and praised the patriotism of the Northern people with enthusiasm. He condemned the leaders of the South with harshness, and traduced the whole population south of the Potomac with heat and passion, embracing them in one general, sweeping, all-inclusive denunciation. He seized upon slavery as an effective 'cry' by which to prejudice the public mind, and persisted in asserting that the North was fighting to free the slave, in spite of the declaration of President Lincoln and a joint resolution of both Houses of Congress that the war was undertaken for the restoration of the Union, and not for the abolition of slavery. So long as the world lasts there will be found in it men of hot temper and dogmatic will, and therefore an exhibition of vituperative passion and intolerance must be expected from them whenever the course of public events is contrary to their wishes or theories. But the 'Advanced Liberal' had an undoubted right to his opinion, whether founded upon prejudice or calm conviction; and the Southern people will, I am sure, be glad to forget the opprobrious epithets which were cast upon them during the heat of the struggle, now that 'grim-visaged war' has given place to cheerful, smiling peace with its bounteous blessings, if they are not constantly reminded of them by indiscreet references to the irritating subjects which disquieted their minds and aroused their resentment in the trying times between the attack upon Fort Sumter and the surrender of Lee at Appomatox Court-house.



It is not impossible—indeed, if the Liberal Party remains in power it is not improbable—that a Radical Minister of Foreign Affairs may have to treat upon some delicate and important question of international policy with an American Secretary of State, or a President of the United States, who followed Lee through the Virginian campaigns, or who was born and bred in the same part of the country as Jefferson Davis and Stonewall Jackson ; and it would clear the negotiation of some embarrassment if the English representative could feel conscious that he had done nothing to perpetuate a family feud after the opposing parties had composed their differences and were again living in union and harmony. No public man could now win the favour of any respectable body of electors in New York or Massachusetts by speaking ill of the South or of the Southern people, and no man would be tolerated in Northern society who attempted to keep up the animosities of the war, and certainly no foreigner can hope to gratify either North or South by words or acts whose manifest tendency would be to irritate or offend either side.

If I mention Earl Russell's name in this connection, it is not with the purpose to class him among the Radicals, or to intimate that he ever did use language in respect to either North or South which could be construed into ridicule or reproach. Whatever may have been his lordship's private opinions as to the merits of the contest, or whatever may have been his sympathies, I have never seen in one of his numerous despatches, or in the published reports of his speeches, a single sentence or utterance which could arouse the personal hostility of any reasonable Southern man. Earl Russell, as the Foreign Secretary, was necessarily the active member of the Cabinet in carrying out its neutral policy, and is

not to be held individually responsible for what either Federal or Confederate may have thought objectionable in that policy. In saying that his sympathies were with the North, I merely give currency to the impression commonly held by the representatives of the Confederate States in England during the war, and I can give no other grounds for the impression than the opinion to the same effect which was often, and I may say unanimously, expressed by those politicians and other frequenters of the London clubs and London Society with whom we were brought in contact. But I do not now affirm that Earl Russell carried out the neutral policy of the Government with a deliberate purpose to favour one belligerent; all that I say is, that the course pursued by him was not in accordance with the principles laid down by himself and his colleagues, and by the judgment of the Lord Chief Baron of the Exchequer.

It must be admitted that his lordship had a very trying and difficult office to fulfil. The United States Minister gave him no peace and but little rest. The duty of replying to the long argumentative despatches of Mr. Adams, and the perusal of the numerous consular affidavits which accompanied them, must have been a very serious labour, and it is only fair to remember that there was no recognised Confederate agent who could address him officially and freely, and thus modify the effect of the statements on the other side, or set before him reasons for non-interference. The Radical element within the Liberal Party, if not actually within the Cabinet, was also a strong and active force, always exercised to check the Government in any apparent concession to the South, and ever striving to nullify the benefit which the Confederate States might obtain from their recognised position as belligerents.

The speeches of individual Ministers, and the official despatches of Earl Russell, laid down certain rules of action, and clearly set out the principles of neutrality it was their purpose to enforce. They would have no enlistment of her Majesty's subjects to serve either belligerent, nor any arming of ships within any portion of the British dominions. Vessels-of-war should not lie in British ports to watch each other's movements, and they should not use British harbours as places of outfit and supply from which they might issue to cruise against their enemy. But the British tradesman was to be as little hampered as possible, and was to be left free to sell and deliver arms and ammunition, and even ships suitable for warlike purposes, to either belligerent. There was no difference in principle, and no distinction in law, between the traffic in one or the other of the above articles, and her Majesty's Government could not strain the principles of neutrality to suit a particular case, or apply them especially and with discriminating rigour to the trade of shipbuilding alone, because that would tend to impede and embarrass a business in which great numbers of her Majesty's subjects found a source of honest livelihood.\*

These were the principles to which the British Government clearly committed itself, and anyone who will take the trouble to read the Parliamentary debates on questions affecting the action of Great Britain as a neutral, or the despatches of Earl Russell, will perceive how strongly and repeatedly those principles were asserted, and their justice and fairness defended, by members of the Cabinet. There is no doubt that the plainness with

\* See Earl Russell's letter to Mr. Adams, Oct. 26th, 1863, 'North America,' No. 1 (1864), 'The *Alabama*,' continuation of correspondence presented to Parliament, March, 1863.

which members of the Government spoke in reference to the equality of both belligerents before the law, and the repeated declarations that a British merchant might sell an unarmed ship to either North or South as lawfully as he might sell a rifle or a sabre, gave dissatisfaction and offence to Mr. Seward, who, as was said in the 'British Case,' wanted her Majesty's Government to discover what articles the Confederates most needed, and then to strike them off the list of goods which might be legally dealt in.

The statements of Ministers in regard to neutral duties and the freedom of trade with belligerents were never withdrawn nor even modified by any counter-declaration in Parliament, but the practice of the Government became, under the joint pressure of Mr. Seward's remonstrances and the influence of the extreme Radicals, more and more restrictive with reference to the especial wants of the Confederates, until at last they did practically enforce the very policy which it is alleged in the 'British Case' that the United States wished them to agree to at the beginning. Her Majesty's Government have realized the truth of a saying which has almost obtained the force and currency of a proverb, namely, that a concession of principle, or the yielding of a point to strong and persistent pressure and persuasion, is never received in the spirit of a spontaneous offering, and is never remembered with gratitude.

The Southern people believed that a policy once clearly enunciated by a British Ministry would be consistently followed, and they thought that it was only necessary to keep within the lines of that policy, in order to obtain all that their necessities required. They watched with interest, but at first without misgiving, the vigorous efforts by appeal, by argument, and even

by threats, which were made by the United States to procure a change in that policy. They knew that those efforts were strongly supported by the extreme politicians who belonged to the Party then in power, but still the rules of action laid down were plain and emphatic. They had been stated by the Ministers chiefly responsible for the foreign relations of the country, and had been defended by the law officers of the Crown. They were afterwards confirmed in principle by judicial sentence.

When the Government at Richmond contemplated the situation of affairs, there did not appear to be any cause to fear that the declarations of Ministers would prove to be mere figures of speech, or that a judicial decision would be made inoperative by the action of a Secretary of State. However, it is now a matter of history that the hopes of the Confederate Government and of the Southern people were ill-founded. Her Majesty's Government yielded to the joint pressure from within and from without, and they did at last precisely what the United States demanded in the beginning, and what several members of the Government had declared they could not do without showing favour to one belligerent, and interfering unjustly and unduly with one particular branch of trade, which they had often affirmed was quite as proper in principle and in law as any other. The Southern people were naturally disappointed at the unexpected wavering of the British Government, and if at the time they felt irritated and resentful, it can hardly be thought surprising. But they found no opportunity to express their resentment by effective remonstrance, and they have practically condoned the injury, and I believe would soon forget it altogether if the Radicals will only let by-gones be by-gones.

Mr. Seward, however, was in a different position.

Having carried his point by a combination of persuasion and bravado, greatly helped by the efforts of his Radical allies, he never did forget, and never did forgive, the impartial utterances of Ministers and the original intent expressed by them to give a fair field and no favour to either side. He appears to have kept a record of every indiscreet admission by a member of the Government, of every speech which could be distorted into an encouragement to the South, while the words of comfort and support to the United States, and the great final concession, were forgotten, or at least cast aside. His fixed and unalterable purpose was to extort from her Majesty's Government, not only an acknowledgment of their original error, but retribution for it, and he bequeathed his purpose and his policy to his successor in office.

The diplomatic correspondence and the records of the Geneva Arbitration demonstrate the vigour and relentless zeal with which that purpose and policy were prosecuted. It is now known that six years after the war the United States wrung from Mr. Gladstone's Government (the same Party, and in part the same Ministers, who were in power in 1861-65) an expression of 'the regret felt by them for the escape of the *Alabama* and other vessels from British ports, and for the depredations committed by those vessels,'\* and finally induced them to submit the questions at issue to a Tribunal of Arbitration, not, however, to be decided according to the principles and rules of international law in force and binding upon all nations at the time when the alleged causes of complaint were said to have arisen, but upon certain new rules, especially agreed upon by the contracting parties—rules which are binding upon

\* See Article I., Treaty of May 8th, 1871.

no other Powers, and which, together with the expressions of regret, and the Ministerial admissions, which were most adroitly used by the advocates of the United States, placed Great Britain in a very weak position before the Arbitrators.

The vacillation of her Majesty's Government in dealing with the questions which grew out of the American Civil War, and the very apparent contradiction between the polemical theory of neutral duties expounded by a portion of the Ministry and the practice of those duties by the Secretary of State who directed the foreign policy, can only be understood and explained by taking into account the peculiar condition of that Party to which the Ministry belonged.

It is manifest to independent observers of English politics that the Liberal Party embraces within its ample fold two principal sections, whose policy would lead to very different results if carried out in its entirety. Those two great divisions of the Party are held together by a traditionary link, and by agreement upon certain general principles of reform in regard to domestic affairs and some not very clearly defined doctrines with reference to colonial and foreign policy; but they seem to differ very widely both as regards the extent of the required reforms and the mode in which they should be accomplished. That division of the Party whose wish it is to proceed most swiftly and thoroughly in the direction of reform, and who also manifest the purpose to withdraw more and more from international politics and from imperial control over the colonies, has been for the last quarter of a century increasing its power and influence. It has not yet achieved complete control of affairs, and cannot strictly and specifically direct the policy of the Government; but it has for some years held a position

of so much authority and influence, by reason of its increasing numbers and the vigorous energy of its members, that no Liberal Ministry is possible without its support, or without one or more representatives from its ranks in the Cabinet. Now, it would be wholly out of place, in a narrative of this kind, to discuss English Party politics, or to pronounce an opinion whether the principles of the Advanced Liberals would conduce more to the happiness and wealth of Great Britain and to the maintenance of the Empire than a more Conservative policy ; but it is not improper to state, what it seems to me must be manifest to all disinterested students of current English history, that so long as the Liberal Party is not impelled by a common motive, and is not controlled by statesmen who agree upon the method as well as in respect to the general principles upon which the home and foreign policy of the country shall be conducted, there must continue to be confusion, apparent contradictions, weakness, vacillation, and more or less sacrifice of prestige, accompanied sometimes with loss of money.

The lack of consistency, and the inability to follow in practice the line of policy laid down in theory by the Ministry during the American Civil War, cost Great Britain £3,000,000, and placed the country in a very weak and undignified position before the Tribunal of Arbitration at Geneva. England was made to stand before that international court in the character of a defendant—I was almost going to say a criminal. She was represented by the plaintiffs to have acknowledged her sin and to have apologized for it; she was charged through her officials with all sorts of complicity with fraud against her own municipal laws, and with connivance at the violation of her neutrality; and really,



the reply to all this seems to have been rather a plea for mitigation of damages than a bold, confident, unflinching repudiation of the charges and insinuations.

If the independent critic looks at the condition of English affairs now, in the year 1882,\* he will perceive lamentable confusion and danger to the Empire both at home and abroad—Ireland disturbed, discontented, mutinous; the Eastern Question, with its necessary appendages, in a chronic state of fermentation; the House of Commons wrangling over measures declared to be of vital importance, and yet often wasting days in discussing side issues and abstract questions, which, when they have been determined, settle nothing.

The difficulty is the same as that which caused the vacillation during the American Civil War—the impossibility of making the theory and practice of the Government tally, the inability to confirm by official act and by legislation the policy and the promises sketched out in Ministerial speeches and other forms of declaration.

The Southern people may, I think, feel assured that the course pursued by her Majesty's Government towards the Confederate States was not the outcome of an unfriendly and unsympathetic feeling on the part of the majority of British subjects to them or to the cause for which they were fighting; but it arose from the necessity of a sort of compromise between the Ministers, who wished to conduct the foreign policy of the country at that time upon what they had pronounced to be the proper line of neutral duty and due consideration for every branch of home trade, and those extreme men in their Party who, after the policy was declared and pub-

\* This chapter was written in June, 1882, as explained in the preface, and the Egyptian War was in prospect.

lished, urged and enforced a modification to suit their special leanings.

Until the great Liberal Party can decide which section of its leaders shall assume the control of its policy, and is prepared to give to that section undivided support, the people of Great Britain must make up their minds to submit to some confusion in public affairs, some apparent vacillation and inconsistencies in the action of 'Liberal Cabinets.' It is manifest that the Liberal Party is undergoing the process of readjusting its constituent forces, and the future policy of that Party will depend upon which class of politicians may gain the ultimate ascendancy, and whether their control of affairs proves to be thorough and undisputed. It appears to be practically impossible for two sections of the same Party, who differ materially concerning the methods of government, to agree upon a middle course which shall fulfil the conditions of a 'happy mean.' Experience has shown that the action of a political organization in that condition is intermittent, and is active or passive, vigorous or feeble, according as the opinions of one or the other section prevail at a given time, or on the occasion of a particular emergency. Sometimes the influence of the two factions is so nearly in equilibrium that nothing can be done, and then public affairs drift until there is a crisis, when the ship of State has to beat up to the lost position, like a vessel working to windward against a leeward tide.

The Commissioners of the Confederate States perceived,\* as the war progressed, the tendency of her Majesty's Government to drift from the position assumed by the leading Ministers of the Crown in their interpretation of neutral duties and the freedom of trade. Mr. John Slidell, the Commissioner to France, occupied

in many respects a more favourable position for discovering the purposes and feelings of the Government to which he was accredited than his colleague in England. Although not officially recognised as the diplomatic agent of the Confederate Government, he was permitted to communicate with the Ministers of State, and even with the Emperor himself, freely, and it may almost be said confidentially. He was thus able to discover from the highest sources whether it was the purpose of the Imperial Government to enforce with rigour the restrictions set out in the declaration of neutrality, or whether the strict and explicit terms of that declaration would be made pliable in the common interests of every branch of French trade.

The Proclamation of Neutrality issued by the Emperor Napoleon III. was published nearly a month after that of her Britannic Majesty, namely, June 10th, 1861, but the prohibitions were much more emphatically stated. Instead of a general enumeration of what was contrary to law, and a warning to all persons not to transgress, it set out under five heads or clauses the precise and specific acts that would not be permitted, or which were forbidden.

The third clause was in these words:—‘ Il est interdit à tout Français de prendre commission de l’une des deux parties pour armer des vaisseaux en guerre, ou d’accepter des lettres de marque pour faire le course maritime, ou de concourir d’une manière quelconque à l’équipement ou l’armement d’une navire de guerre ou corsaire de l’une des deux parties.’

The above clause, it will be perceived, forbade any French subject to co-operate in *any manner whatever* in the equipment or armament of a vessel-of-war or a privateer for either belligerent, and French lawyers afterwards consulted were unanimous in the opinion that

the Government would be bound to prevent any ship leaving France for the service of the Confederate States.

There was no question here of the probable interpretation of a somewhat ambiguous statute, no dependence upon a Government pledged by constitutional requirement, as well as by habitual usage, to submit questions involving the rights of individuals to the legal tribunals. The Executive Government of France was at that time well-nigh autocratic, and it was fully understood that whatever might be the declared policy, it might and could be modified in practice without any public notice or any formal appeal to the law courts to determine the meaning of specified statutes.

It was generally believed at the time, and so far as I know it has never been doubted, that the British and French Governments came to an early agreement that they would act in general concert during the American Civil War. It is, I believe, equally well known that the French Emperor was more favourable to the recognition of the South than the Government of her Britannic Majesty, and that at one period of the war he was prepared to take decisive action in that direction, but was deterred by the disinclination of the British Ministry to follow.

The reasons why the Confederate Government sent their agents to England in the first place have already been stated. The dogmatic prohibitions of the French declaration of neutrality confirmed the prudence of that course from a business point of view. In England it was reasonable to expect more liberty of action, a freer as well as a cheaper market, and surer means of discovering what might be safely attempted. In France, everything might and probably would depend upon the secret purposes of the Chief of the State, and the effect

which the chances of success or defeat to the South might have upon him.

It is no part of the object of this narrative to discuss the general policy of the French Government during the Civil War, or to suggest how far the desire to acquire a predominating influence in Mexico may have inclined the late Emperor to favour the South. Manifestly, an Imperial Government would stand a better chance of sustaining itself in Mexico against two rival Republics, than against one undivided Democratic Union pledged to resist European interference with the balance of power in America.

A French army on the left flank of the Confederacy, and free transportation of contraband goods through Mexico, might have been a very encouraging support to the Government at Richmond, and the privilege of getting ships fit to break the blockade, and to cover the import of indispensable supplies into Wilmington and Charleston, might have been a judicious concession to that Government. Some such reflections have doubtless occurred to many who watched the course of events at the time. Confining myself in these respects to a simple record of historical facts, I will only state that during the year 1862 Mr. Slidell received intimation that if the Confederate Government would make arrangements to build ships-of-war in France, the builders would not be interfered with, and that the vessels when completed would be permitted to leave the French ports upon any plausible plea the builders might state. The suggestions were made to Mr. Slidell by persons who were in positions of close relationship with the Emperor, and when he became satisfied that they were made with authority, their purport was reported by him to the Secretary of State at Richmond, and in the autumn of

1862 he wrote and advised me to come to him in Paris for consultation on the subject.

When Mr. Slidell first made the suggestion, I was unable to take any decisive action. The contracts on behalf of the Navy Department in England were so large, that there appeared to be a startling deficiency in the financial arrangements to meet them, and although Messrs. Fraser, Trenholm and Co. had already made advances to the Navy Department, and did afterwards pledge their own commercial credit at critical periods, yet at the particular time in question they were under such heavy advances for the War Department that I could not ask them to take further liability. I explained the situation of affairs to Mr. Slidell, but he was much impressed with the importance of the assurances he had privately received, and urged me to come to Paris and try the French dockyards as soon as the finances would admit of fresh operations, instead of depending upon the wavering policy of the British Ministry, and the probable delay, expense, and publicity of a law-suit.

The Secretary of the Navy was especially desirous to keep a sufficient number of cruisers afloat to thoroughly alarm the enemy for the safety of his commercial shipping, and thus to draw off his best ships from the blockade in order to protect it. He had no sooner learned the havoc the *Alabama* and *Florida* were committing than he instructed me to send out at least four ships of similar type, to provide against their loss or capture. He made every possible effort to supply the necessary funds, and finally arranged with the Secretary of the Treasury that a part of the £3,000,000 European loan then in contemplation should be devoted to that purpose. He informed me that a

special fiscal agent of the Treasury Department would be sent to Europe to manage the distribution of the loan, and to assume a general control of the finances, and that he would be fully instructed as to the requirements for the navy.

In March, 1863, the success of the loan seemed to be assured, and both Mr. Mason and Mr. Slidell thought that in view of the official advices I had received, that a portion of it would be appropriated for the specific purpose of building additional cruisers, I might venture at least to make all the preliminary arrangements.

I had previously reported to the Navy Department the manifest signs of a purpose in the British Ministry to enforce the Foreign Enlistment Act more rigidly with reference to ships than any other articles of trade, and had reported my purpose to act upon the information Mr. Slidell had received and upon his advice. About the middle of March, 1863, Mr. Slidell sent the business agent of a large shipbuilder to inform me what his principal could undertake, and I went immediately to Paris to put affairs in such train that the work could be begun as soon as the financial arrangements were satisfactorily settled. Mr. Slidell made an appointment for a joint consultation between himself, the builder with whom he had already conferred, and me. The class of vessel and the armament did not require much consideration, the chief, and indeed the only important points for serious deliberation, were the terms of the neutrality proclamation, and the probable chance of getting the ships to sea when completed.

The shipbuilder who thus came forward to supply our wants was M. L. Arman. His establishment was at Bordeaux; he had done much work for the French navy, was then building two iron-cased floating batteries

and a very large troop-ship for the Government, and there could be no doubt that he had the plant and all the necessary staff and commercial credit to justify his undertaking large contracts for any description of ships. M. Arman was also a deputy in the Corps Législatif for the Gironde; he had been personally decorated in his own shipyard at Bordeaux by the Emperor, and during the whole period of the transactions which followed, he appeared to have no difficulty in obtaining personal interviews with the Minister of State, M. Rouher, and even with his Imperial Majesty himself.

M. Arman stated that he had been confidentially informed by the Minister of State that the Emperor was willing for him to undertake the construction of ships for the Confederate Government, and that when the vessels were ready to be delivered, he would be permitted to send them to sea under the French flag to any point which might be agreed upon between him and the representative of the Confederate States.

I mentioned to M. Arman that building the ships with such an assurance from the Government, it would not be necessary to practise any concealment as to their mere character and equipment, and it would soon be apparent that they were vessels intended not for commerce, but for war. There was no reason, I said, to suppose that the United States would be less desirous to prevent ships leaving French than English ports for the service of the Confederate Government, nor was it likely that their representatives would be less watchful in France than they were in England, and I suggested that as soon as it became apparent that he was building vessels suitable for war, the United States Minister would learn the fact through his spies, and he would lay



his suspicions before the Minister for Foreign Affairs, and I asked how he thought the matter would then be dealt with ?

He replied that the probability of such an inquiry had been fully considered, and he had been informed that if he would apply to the proper public department for authorization to complete, arm, and despatch the ships for a specified purpose, which was in itself lawful, the Government would not force him to make any further or more specific explanations, but that he would be permitted to despatch them to the destination set out in the original application, on the plea that the Government could not impede a legitimate branch of French trade. He furthermore said that he had informed the Emperor that he purposed building the ships for trading between San Francisco, China and Japan, that they would be clippers, having great speed both under canvas and steam, and would be armed for defence against pirates in the Eastern Seas, and with the view to possible sale to either the Chinese or Japanese Government. M. Arman assured us that the Emperor fully understood the matter, and so did M. Rouher, and that there would be no difficulty in arranging all details with the several Executive Departments under whose supervision it would be necessary for him to act. He should simply state, without the slightest hesitation, the purpose for which he was building the ships, and ask for the necessary authorization in the usual formal matter-of-course way.

I had no means of testing the statements of M. Arman in regard to his personal communications with the Emperor and M. Rouher, but they confirmed the intimations that had been conveyed to Mr. Slidell through persons of position who were in close relations

with the Imperial Court, and who had inspired him with confidence by having communicated other information of approaching events which proved to be correct, and could not have been foreseen or obtained by clandestine means. Mr. Slidell was very confident that the policy of the Imperial Government, and the purposes the Emperor then had in view, were such as to render it very desirable that the Confederate States should be able to maintain their position, and he had reason to believe that the hesitation of England alone prevented their recognition by France.

My course under the circumstances was clear. My instructions were to keep as many cruisers at sea as possible, and I could only exercise my own judgment to the extent of determining the best class of vessel, the places where they could be built with the least fear of seizure or detention, and the mode of putting them in commission as Confederate ships-of-war afterwards. The result of the consultation with Mr. Slidell was that I proceeded to Bordeaux, inspected M. Arman's premises, and finally arranged with him all the particulars for four clipper corvettes of about 1,500 tons and 400-horsepower, to be armed with twelve or fourteen 6-inch rifled guns—the 'canon rayé de trente' of the French navy, that gun being adopted because of the facility of having the batteries constructed in France from the official patterns.

There was some delay in beginning the work, by reason of the incompleteness of the financial arrangements; but General Colin J. McRae, the fiscal agent of the Treasury, arrived about the 1st of May, and he was able to make such arrangements that not much time was lost. The designs and specifications of the ships were settled on the 15th of April, and by the middle of June

good progress had been made, and the engines were fully up to the vessels in condition. Time was, of course, an essential element, and M. Arman was so full of other work that he could not undertake the four ships for the prompt delivery required—ten months from date of contract; he therefore arranged with M. J. Voruz, of Nantes, for the construction of two of them.

M. Voruz was an eminent ironfounder and engineer, and a member of the Corps Législatif for the Loire Inférieure. He employed a local shipbuilder to put up the hulls, but he assumed the entire responsibility for the ships, and subsequently undertook the construction of the guns and their gear for all the ships. I am glad of this opportunity to bear witness to the business capacity, the commercial and personal integrity, and the kindly social qualities and intelligence of M. Voruz; and I do so now because it will obviate the necessity of frequent allusions to him in the further account of our operations in France. M. Arman was the principal actor in those transactions. He it was who invariably went to see the Minister of State in reference to them, and it was he who was permitted to see the Emperor on the subject. M. Voruz never alleged that he had received any personal communication from a member of the Government with reference to building the ships for the Confederate States, but he received due authorization to make the guns for them, and he did not doubt that their ultimate destination was perfectly well known, and he did not anticipate that there would be any difficulty in despatching them from France when they were completed.

When, as will afterwards appear, the Imperial Government changed its policy, and not only forbade M. Arman to send the ships to sea, but peremptorily ordered him

to sell them to a neutral State or permanently lay them up, M. Voruz closed his part of the transaction promptly and in a business-like and equitable manner. He sold the two vessels in his charge to a foreign Government, completed them for account of that Government, rendered a prompt statement of the transaction, and refunded the amount he had received from the Confederate agent, with due proportion of the profit at which he had been able to sell the ships. M. Voruz effected this satisfactory settlement without employing any expensive intermediaries, and proved himself to be a thorough man of business in this as well as in other enterprises which he conducted for me during the war, fulfilling his engagements always with promptness and scrupulous fidelity. Having made the foregoing statement, I shall hereafter mention M. Arman alone in connection with the ships, as he conducted all the efforts which were made to avoid the necessity of selling them.

On the 30th of June, 1863, I received a despatch from the Secretary of the Navy, which he considered to be of such importance that it was sent by a special messenger, Lieutenant G. S. Shryock, of the Confederate Navy. The following is a copy of the despatch:—

‘ Confederate States of America,  
‘ Navy Department,  
‘ Richmond, *May 6th*, 1863.

‘ SIR,—

‘ Herewith you will receive copy of a Secret Act of Congress appropriating £2,000,000 for the construction of ironclad ships-of-war in Southern Europe, which Act was induced by the belief that we can have such vessels constructed and equipped in France and de-

livered to us upon the high seas or elsewhere. The President has selected you as the agent of the Government to accomplish the important object thus provided for by Congress. In view of the great improvements which theory and experiment have produced in the construction and equipment of armoured ships in France and England, as well as of your thorough knowledge of the subject and your means of observation, it is deemed expedient to leave to your judgment, untrammelled by instructions, the size and details of the vessels, subject to the consideration that in draft of water, speed and power, they must be able to enter and navigate the Mississippi river; that their first trial must be a long ocean voyage; that their antagonists carry 11-inch and 15-inch guns; and that they must be completed and delivered at the earliest day practicable. . . . You will regard the £2,000,000 as the only fund for building, equipping, manning, providing, and furnishing the vessels for one year's service. Your immediate attention to this subject is important, and every effort must be made to have the ships completed at the earliest day practicable. To this end I suggest to you a conference with Mr. Slidell.

‘I am, etc.,

‘(Signed) S. R. MALLORY.’

At the date upon which the above letter was received, I had already been in conference with Mr. Slidell, with the result, as has already been explained, of an engagement with M. Arman for four wooden screw corvettes of great speed. On many accounts I should have preferred building the ironclads provided for by the Act of Congress in England, but it had ere then become manifest that her Majesty's Government would not permit any

vessel 'suitable for war' to leave a British port unless the ownership was clearly and explicitly accounted for, and that ownership was satisfactory. Moreover, it was now equally manifest that the Government at Richmond were satisfied with the friendly hints and suggestions that had been thrown out from the Tuilleries, and felt assured that it was only necessary to act with due prudence and in a strict mercantile way, and ships might be had in France as well as rifles and cannon. It was only necessary, according to the intimations voluntarily vouchsafed, to refrain from violating the neutrality of France by enlisting French subjects, or by engaging in hostilities too quickly after leaving French jurisdiction, and no branch of trade would be interfered with. This was the purport of the confidential statements made to Mr. Slidell, and reported by him to the Secretary of State at Richmond, and it was in reliance upon them that the appropriation was made by the Confederate Congress to enable the Navy Department to build warships in France.

At the time of my visit of inspection to M. Arman's works at Bordeaux on the business of the corvettes, I had examined the two armour-cased batteries he was building for the Imperial Navy, and we had discussed, and he had made drawings of, an armour-cased vessel of dimensions and draught suited for service on the Southern coast. Mr. Mallory had directed me to get, if possible, less draught of water than that of the rams building in England; but upon receipt of the specific instructions of May 6th, founded upon the Secret Act of Congress, it was necessary still further to modify the plans to some extent.

An expert will perceive at a glance that the problem proposed by the Secretary of the Navy was not easy of

solution. Vessels-of-war, suited for service in the Mississippi river, must be of light draught and comparatively short ; they must have great steam-power, to contend with the rapid current, and they must also be handy, with capability to turn in short space. To oppose other vessels armed with 11-inch and 15-inch guns they must be well protected with armour, and then to get to their fighting ground they must make a sea-voyage of 5,000 miles. The design finally selected was for a vessel of the following dimensions and steam-power—the measurements reduced to English standards. Length between perpendiculars, 171 feet 10 inches ; breadth to outside of armour, 32 feet 8 inches ; mean draught, with 220 tons of coal, battery, and all stores on board, 14 feet 4 inches. Engines, 300 horse-power nominal, twin screws, working separately, so as to be capable of a counter motion at the same time. The armour-plating was  $4\frac{3}{4}$  inches amidships, tapering gradually to  $3\frac{1}{2}$  inches at the extremities, in single plates, manufactured by Messrs. Petin Gaudet and Co. at Rive de Gier. The details of specifications for ship and engines provided for everything to be of the very best quality, conforming in dimensions and material to the types of the Imperial Navy, and the guaranteed speed was not less than twelve knots in smooth sea, with 220 tons of coal and all other weights on board. The bunkers were, however, planned to contain 290 tons of coal. In calculating the displacement, 100 tons was allowed for guns and ordnance stores, and the arrangement was to have one heavy gun forward, to be mounted in a fixed armoured turret, so as to be fired in the line of the keel or on either bow, and two 6-inch rifled guns in an after turret or casemate. The bow guns were to be 300-pounders of the Armstrong pattern, and they were made to

M. Arman's order by Sir William Armstrong at Elswick ; the lighter guns were to be made in France.\*

The question of 'ways and means' confronted us here again, as in all our undertakings. The Secretary of the Navy informed me that every possible effort would be made to place the amount appropriated by Congress in Europe as quickly as possible, but to start the work there was no other immediate resource than the loan. General McRae, the financial agent of the Treasury, was fresh from Richmond. He had been advised of the contemplated Act of Congress, and knew the earnest wish of the Government to have the ironclads built ; but he found himself overwhelmed with drafts in favour of the purchasing agents of the War Department, and there were many contracts rapidly maturing, which demanded cash payments, and for which the credit of the Government was pledged. The bankers of the Treasury, Messrs. Fraser, Trenholm and Co., were also hard pressed. The only way of remitting to them was by produce shipped through the blockade, and as the system of blockade-running exclusively on Government account had not yet been fully adopted and organized, the only means of shipping was by private vessels, which wanted most of their space for account of their owners. After consultation with the Commissioners, Messrs. Mason and Slidell, and General McRae, it was not deemed prudent to begin more than two of the ironclads until I had heard more definitely from the Navy Department how the amount appropriated by Congress was to be made available in Europe.

I may just state, *en passant*, that the Secretary of the Navy was never able to place the amount in Europe—at least, for the exclusive purposes contemplated in the Act. Other pressing needs of his own and the other branches of

\* Two 70-pounder Armstrong guns were afterwards substituted.



the Government more than absorbed all the proceeds of produce that could be got through the blockade, and only two ironclads were ever begun in France. In fact, there was a time when the fiscal agent could not have supplied the funds to meet the instalments, if relief had not come from the compulsory sale of other ships. In view of the subsequent acts of the French Government, which will be narrated in due course, it was fortunate that we did not embark more largely in shipbuilding enterprises in France.

I have always understood that when the proposition to raise a loan in Europe was first broached, the Confederate Government was not greatly impressed with the scheme, and was somewhat reluctant to accept the offer of the bankers who proposed to undertake the negotiation. After some discussion it was, however, determined to make the experiment with the moderate amount of £3,000,000. The financial enterprise was undertaken by Messrs. Erlanger, of Frankfort and Paris, and they managed the transaction with great skill and ability. When the prospectus was issued there was a prompt and gratifying response. In a very short time the amount subscribed was £15,000,000, or five times the amount wanted, and it was thought that a much larger sum still would have been offered if it had been applied for. The financial agents of the Confederate Government lamented their inability to issue bonds for the whole amount offered, but, looking back upon the transaction now, all must feel gratified that the loss to the European public was limited to the smaller figures.

The necessities of the financial situation defined the extent of our naval operations in France, and on the 16th of July, 1863, I closed a contract with M. L. Arman for two ironclad vessels of the dimensions and

power aforementioned. About a fortnight after the completion of the arrangements in respect to the above contract, I received a cypher despatch from the Secretary of the Navy, on the subject of getting ships in France, and as it affords conclusive proof of the hopes that were held out and the expectations which were aroused at Richmond in consequence, I think a portion of its contents may properly be given here, as a part of the facts necessary to a full understanding of that strange episode in the war which forms the chief subject of this chapter. The following is an extract from the above-mentioned despatch, dated 'Richmond, May 26th, 1863':—

'My letter of the 6th instant enclosed you a copy of a Secret Act of Congress, relative to building ships abroad. Since that letter was written I have received additional assurances, which I regard as satisfactory, that iron-plated ships-of-war can be constructed in France by French builders and delivered to us ready for service upon the high seas or elsewhere.

'Heretofore I have brought to your attention an intimation which I deem not unworthy of notice, from the quarter whence it reached me, that one or more of the ironclads of the French Navy might be so transferred as to come into our possession; and as I have heard only incidentally from you on the point, and know that you have recently, by your visit to France, had an opportunity of learning the value of this suggestion, I again ask your attention to it.

'The immediate possession of two or three good armoured ships, capable of entering the Mississippi, would be of incalculable value to us, and though the hope of thus obtaining them is not sanguine, I still deem it proper to attempt it. You will therefore, if you

have not already acted, take such measures for this purpose as you may deem best.'

In reply to the portion of the foregoing despatch which referred to the possible purchase of one or more ironclads from the French Navy, I informed Mr. Mallory that 'inquiries have been and continue to be made. Most of the ironclads already built or now under construction for the European Powers, are either too large, and of too heavy draft for our especial purposes, or they are mere floating batteries, too small and heavily armed to cross the Atlantic.'

The subject was fully discussed with Mr. Slidell, and he did not see how the negotiation could be opened in such a way as to get the proposition before the Emperor, unless it should appear that he had determined to recognise the Confederate Government independently of England, and there was no evidence that he intended to take any such decisive step alone. Mr. Slidell thought that we should be content with the covert intimation that no ship-builder we might employ would be prevented from despatching the vessels to sea when they were completed. Personally, I fully agreed with Mr. Slidell, and on the general question I subsequently wrote to the Secretary of the Navy as follows:—

'You may rely upon it that the purchase of men-of-war from any of the European navies is not practicable under existing circumstances. The transaction would necessarily be managed through intermediaries, who, from the very nature of the negotiations, would be forced to sacrifice principle by prevaricating, and then all sorts of objectionable means would have to be used, even bribery, and after all we would only get cast-off vessels. I make these remarks as the result of experience, for I have had propositions from many persons, and I know wherein they are all wanting.'

The construction of the corvettes at Bordeaux and Nantes and the two ironclad vessels progressed rapidly, and for some months there did not arise any question which suggested a doubt in regard to the purposes of the Imperial Government in respect to their departure when completed. On the 23rd of November, 1863, I reported that the armoured vessels were quite three-fifths finished, and that the corvettes would probably be ready for sea within the contract time; but by that date affairs began to change in their aspect. The American papers began to discuss the probable destination of the ships, and it was stated that Mr. Dayton, the United States Minister, had addressed a protest to the French Government against their completion, and it was even affirmed that he had been assured by the Minister of Marine that none of the ships would be allowed to leave France. Commenting upon these uncomfortable rumours in a subsequent despatch (November 26th, 1863) to the Secretary of the Navy, I wrote as follows :—

‘The extent to which the system of bribery and spying has been and continues to be practised by the agents of the United States in Europe is scarcely credible. The servants of gentlemen supposed to have Southern sympathies are tampered with, confidential clerks, and even the messengers from telegraph offices, are bribed to betray their trust, and I have lately been informed that the English and French Post Offices, hitherto considered immaculate, are now scarcely safe modes of communication. . . .

‘Mere suspicion is not, I regret to say, the basis of Mr. Dayton’s protest. He has furnished the French Government with copies of certain letters alleged to have passed between the builders, which go to show

that the ships are for us. The confidential clerk who has had charge of the correspondence of M. Voruz, one of the parties to the contracts, has disappeared, and has unfortunately carried off some letters and papers relating to the business. M. Voruz has not yet discovered the full extent to which he has been robbed, but is using every effort to trace the theft to its source, and to discover how far he can prove complicity on the part of the United States officials. We know that the stolen papers contain evidence that the ships are for us, for the fact has been so stated by the Minister of Marine to one of the builders; but the French Government has only thus become aware of a transaction it was perfectly well informed of before. Indeed, I may say that the attempt to build ships in France was undertaken at the instigation of the Imperial Government itself. When the construction of the corvettes was in progress of negotiation, a draft of the proposed contract was shown to the highest person in the Empire, and it received his sanction—at least, I was so informed at the time. At any rate, I have a copy of the letter addressed to the builders by the Minister of Marine, giving authority to arm the corvettes in France, and specifying the number of guns, and I have the original document signed by M. Chasseloup Laubat himself, granting like authority for the rams. It can never, therefore, be charged that the Confederate States Government, through its agent, has violated the neutrality of France by attempting the construction of ships in her ports, and if Mr. Dayton has received the assurances we see printed in the American papers, the time is rapidly approaching when the policy of the Imperial Government in reference to American affairs must be positively and definitely expressed. . . .

‘The builders are still sanguine that they will be

allowed to send the ships to sea, but I confess that I do not see any such assurance in what they say, and the manner in which the protest of the American Minister has been received is well calculated to confirm my doubts. When Mr. Dayton went to the Minister of Foreign Affairs with a complaint and with copies of certain letters to substantiate it, the Minister might have said, "These are alleged copies of the private correspondence of two prominent and highly respected French citizens; they could only have come into your possession by means of bribery or treachery. I cannot, therefore, receive them as evidence, and must insist that you produce the originals and explain how you came to be possessed of them." It strikes me that such a course would have effectually silenced Mr. Dayton, and we could have felt some assurance of getting our ships to sea. Instead of this, the stolen letters have been received without hesitation, and the United States officials profess to be satisfied with the action, or promised action, of the French Government. The builders are sent for, and warned by the Minister of Marine, and although those gentlemen come from their interviews still possessed by the belief that the ships will be allowed to depart, and thus, as I said before, excite hopes, I cannot be blind to the significancy of the above circumstances.

'My belief is, that the construction of the ships will not be interfered with, but whether they will be allowed to leave France or not will depend upon the position of affairs in America at the time of their completion. If at that time our cause is in the ascendant, the local authorities will be instructed not to be too inquisitive, and the departure of our ships will be connived at. If, on the contrary, the Federal cause prospers, the affair of the "Confederate ships" will be turned over to the

responsible Ministers of the Empire, who will justify their claim to American gratitude by a strict enforcement of the neutrality of France. Hoping always for the best, I shall not permit any fears to create delay in the progress of work. The ships shall be ready as soon as possible, and every effort shall be made to get them to sea in the manner least calculated to compromise the French authorities, if they choose only to be judiciously blind.'

On the 18th of February, 1864, I reported further to the Secretary of the Navy as follows :—

'I have the honour to enclose herewith duplicate of my despatch of November 26th, 1863, on the subject of the ironclads and corvettes building for us in France, wherein I ventured to express some apprehension as to the policy the Imperial Government would pursue when the ships approached completion. That policy has been pronounced sooner than I anticipated, and the Emperor, through his Ministers of Foreign Affairs and of Marine, has formally notified the builders that the ironclads cannot be permitted to sail, and that the corvettes must not be armed in France, but must be nominally sold to some foreign merchant and despatched as ordinary trading vessels. I believe that M. Arman has acted in a perfectly loyal manner thus far in these transactions, and he sincerely regrets the present turn of events. He has proposed that a nominal sale of the vessels should be made to a Danish banker, and that there should be a private agreement providing for a re-delivery to us at some point beyond the jurisdiction of France. This would simply be substituting France for England, and then Denmark for France, and the Danish banker for Messrs. Bravay, and if the two most powerful maritime nations in the world have not been able to resist the im-

portunities of the United States, it would be simply absurd to hope for success through the medium of Denmark, a weak Power at best, and just now struggling almost hopelessly for her very existence.\* The proposition was therefore declined, as it only involved an increased and useless expenditure of money without a hope of profit. . . . This case may be summed up in a very few words. It is one of simple deception. I never should have entered into such large undertakings except with the assurance of success. I was, not as a private individual, but as an agent of the Confederate States, invited to build ships-of-war in France, and, so far at least as the corvettes are concerned, received every possible assurance that they might be actually armed in the ports of construction. During three or four months after the contracts were made, the work advanced very rapidly, but latterly there has been a gradual falling off, which caused me to fear that the builders had received some discouraging intimations from the Government. I am not fully convinced on this point, but the result would seem to indicate that my suspicions were not unfounded. By affording refuge to our ships at Calais, Brest, and Cherbourg, the Imperial Government has shown us more favour than that of her Britannic Majesty, and I presume that the Emperor, trusting to the chances of war and diplomacy, hoped that, before the completion of the ships, affairs both in America and Europe would be in such a condition as would enable him to let them go without apprehension. He now favours us so far as to tell us frankly to sell out and save our money, but this can scarcely ameliorate the disappointment. . . .

\* Then engaged in war with Prussia and Austria in respect to the Holstein-Schleswig Provinces.



‘The two Bordeaux ironclads and the four corvettes would have been a formidable attacking squadron, and would have enabled its commander to strike severe and telling blows upon the Northern seaboard. The loss of the ironclads changes the whole character of the force, and deprives it of its real power of offence. It is difficult to predict what may be the state of Europe even a month hence, and how the progress of events may affect the chances of getting the wooden ships to sea. I shall, however, make every effort to get at least two of them out, to supply the places of our present cruisers should the casualties of the sea reduce their number. There really seems but little for our ships to do now upon the open sea. Lieutenant-Commanding Low, of the *Tuscaloosa*,\* reports that in a cruise of several months, during which he spoke over one hundred vessels, only one proved to be an American; and she being loaded entirely on neutral account, he felt forced to release her after taking a bond. The *Alabama* also only picks up a vessel at intervals, although she is in the East Indies, heretofore rich in American traffic. Nevertheless, if all our ships should be withdrawn, the United States flag would again make its appearance; and it is therefore essential to provide the necessary relay of vessels. There is, however, no resisting the logic of accomplished facts. I am now convinced that we cannot get ironclads to sea, and unless otherwise instructed, I will make no more contracts for such vessels, except with such a pecuniary guarantee for actual delivery upon the ocean as will secure us against loss.’

M. Arman having received positive instructions not to attempt to send the ironclad vessels to sea, but being still permitted to suppose that the corvettes would not

\* Prize of the *Alabama*, commissioned by Captain Semmes.

be stopped if sent to sea without their guns, it was arranged with him to push the completion of the latter vessels to the utmost, and to go on with the armoured ships more leisurely, while we were considering what might be done with them. The course of events and the *dénouement* is more clearly and fairly explained in the following despatch, written to the Secretary of the Navy at the time, than by any version I could give of the transaction now. The despatch referred to was written June 10th, 1864, and was as follows :—

‘It is now my painful duty to report upon the most remarkable and astounding circumstance that has yet occurred in reference to our operations in Europe. Previous despatches have informed you under what influences, impressions, and expectations I undertook the construction of ships of war in the building-yards of France, and how smoothly and satisfactorily the work progressed for several months after it was begun. I reported to you when it became evident that the Government was interfering and checking the progress of the work, and finally informed you when the authorities forbade the completion of the rams, and directed the builders of the corvettes to sell them.

‘When the consultation between Messrs. Mason, Slidell, and myself was held in Paris, the result of which has already been reported to you, it was unanimously agreed that the ironclads must of necessity be sold, but it was thought that the corvettes should be completed, as the builders were confident that the Government would not interfere with their departure, if despatched as commercial vessels, and under the assumed ownership of private individuals. Thus fortified by the opinions and advice of Messrs. Mason and Slidell, I gave M. Arman, the principal builder, written instructions to

sell the ships, upon his representation that such a course was necessary in order that he might be able to show to the Minister of Marine that his business connection with me had ceased. There was at the same time an express understanding between M. Arman and me that the sale of the corvettes should be purely fictitious, and that the negotiations in respect to the rams should be kept in such a state that we might get possession of them again if there should be any change in the policy of the Emperor's Government before their completion. Scarcely a month since, I had a long consultation with M. Arman regarding all of these matters, Mr. Eustis being present. M. Arman showed me a contract of sale of one of the ironclads to the Danish Government, and told me he was then negotiating for the sale of the other to the same Government. As Denmark was then at war, it had been arranged that the nominal ownership of the rams should vest in Sweden,\* and that Government, I was informed, having consented to do this piece of good service for Denmark, M. Arman said that a Swedish naval officer was then at Bordeaux superintending the completion of the rams, as if for his own Government. In the contract of sale M. Arman had agreed to deliver the ships at Gottenberg, in Sweden, and he told me that he had made this unusual stipulation in order that he might be able to send the ships to sea under the French flag and in charge of men of his own choice. "Now,"

\* I reported this fact, just as I understood M. Arman to state it, at the time of the consultation referred to; but upon subsequent inquiry, I learned that he did not mean me to infer that any public official of the Swedish Government took part in the transaction, but that a Swedish banker had undertaken to carry out the arrangement. However, the whole plan fell through; the ship was actually sold to Denmark, and was sent to Copenhagen without any disguise, and under the French flag, with a French commander and crew.

said he, "if you are willing to sacrifice one of the rams, and will consent to the *bonâ-fide* delivery of the first one, I am sure that the second can be saved to you. When the first ram is ready to sail," continued M. Arman, "the American Minister will no doubt ask the Swedish Minister if the vessel belongs to his Government. The reply will be 'Yes ;' she will sail unmolested, and will arrive at her destination according to contract. This will avert all suspicion from the second ram, and when she sails under like circumstances with the first, my people, having a previous understanding with you, will take her to any rendezvous that may have been agreed upon, or will deliver her to you or your agent at sea."

'The above is almost a verbatim report of the proposition made by M. Arman, which, after some discussion upon matters of detail, was accepted, and I have since felt a reasonable assurance of seeing one of our rams at work upon the enemy. A day or two after I called on M. Arman again, taking with me Captain Tessier, my agent in France, a man of intelligence, a capital seaman, and of course master of the French language. The object of the visit was to discuss the arrangements necessary to get the corvettes to sea, and to send to them their armament and crews. I told M. Arman that it would not take a long time to set everything afloat when the proper moment arrived, but that the undertaking was one which not only involved a large expenditure of money, but which required to be managed with great caution and secrecy. When the expedition was ready I said it would be absolutely necessary for it to sail promptly, because delay would cause exposure, and certain interruption and failure would follow, and having due regard to such a contingency, it was very important and indeed essential that I should, if possible, get some assurance that when

we were all ready to move, the Government would permit the vessels to leave Bordeaux. M. Arman replied that he thought there was no doubt about the corvettes being allowed to sail unarmed, but he was to have a personal interview with the Emperor in ten days or a fortnight, and would then bring the matter to a close, by direct appeal to his Imperial Majesty.

‘Many details relating to the best mode of shipping the guns, the engagement of reliable captains, and the possibility of getting seamen from the ports of Brittany were discussed, all in a most satisfactory manner. Before separating, M. Arman expressed great regret at the delay and interference we had met with, and said that as he had made the contracts for building all the ships in perfect good faith, and with the assurance that his Government understood the whole transaction, and would permit him to carry it out, he felt doubly bound to assist in every possible way, and to assume any responsibility that might be necessary.

‘In face of the foregoing statements, you will readily imagine my astonishment when Captain Tessier arrived here (Liverpool) yesterday afternoon, bringing me a letter from M. Arman, informing me that he had sold both the rams and both the corvettes to “Governments of the North of Europe,” in obedience to the imperative orders of his Government. He (M. Arman) could not write particulars . . . Captain Tessier was charged to deliver further verbal explanations as follows:—

‘M. Arman obtained his promised interview with the Emperor, who rated him severely, threatened imprisonment, ordered him to sell the ships at once, *bonâ fide*, and said if this was not done he would have them seized and taken to Rochefort. Captain Tessier also brought me word that the two corvettes at Nantes were ordered to

be sold, and the builders of those ships sent me, by him, a copy of the letter of the Minister of Marine conveying the order to them. The order is of the most peremptory kind, not only directing the sale, but requiring the builders to furnish proof to the Minister of Foreign Affairs that the sale is a real one. The Minister of Marine writes the order in a style of virtuous indignation; specifies the large scantling, the power of the engines, the space allotted to fuel, and the general arrangements of the ships as proving their warlike character, and dogmatically pronounces the one to which he especially refers "*une véritable corvette de guerre.*" When you call to mind the fact that this same Minister of Marine, on the 6th day of June, 1863, wrote over his own official signature a formal authorization to arm those very ships with fourteen heavy guns each (*canons rayé de trente*), the affectation of having just discovered them to be suitable for purposes of war is really astonishing.\*

'I certainly thought this kind of crooked diplomacy had died out since the last century, and would not be ventured upon in these common-sense days. Fortunately, I have a certified copy of the permit to arm the ships, and I will get the copy of the indignant order to sell them certified also. Captain Tessier saw Mr. Slidell in Paris, who told him that he had been informed of the sale, and was both astonished and indignant.'

My first impulse was to resist and to take legal proceedings to prevent the transfer of the ships to the purchasers. But a moment's reflection satisfied me that such a course could not restore the ships to us—at least, it was manifest that they could not be reclaimed for use during the war. The proclamation of neutrality

\* See copy of official authorization, p. 67.

issued by the Emperor of the French on the 10th of June, 1861, contained a specific prohibition against any aid whatever being given by a French subject to either belligerent, and if the Government had determined to enforce that prohibition strictly and literally, no effective resistance could be offered, and no plausible evasion could be attempted.

In England, where in theory the law is paramount, and members of the Government had often declared that they neither could nor would exceed the restrictions as prescribed by statute, we found that pressure could and did overcome Ministerial scruples, and that the law might be and was not only 'strained,' but that the judgment of a court could be made inoperative by the interference of a Secretary of State. In France, the neutrality laws were in themselves more specific than the corresponding English Act, but the power of the Executive Government to modify or to enlarge the legal prohibitions was far greater than in England, and while the permission or the connivance of a Minister of State would condone any apparent contravention of the law, his official prohibition would render an appeal to it worse than useless.

When Captain Tessier brought me the unwelcome and discouraging report of the forced sale of our French ships, I was so fully occupied with pressing affairs in England, that it was impossible for me to go to France at once, but I sent him immediately back with a letter to Mr. Slidell, and with instructions to arrange with M. Arman to meet me in Paris, and followed in a few days. A consultation with Mr. Slidell resulted in nothing but the conviction that the Imperial Government had changed the views which had been previously expressed, and that it would be impossible to retain

possession of the ships, or to prevent their delivery to the purchasers by any process of law. It was manifest that the builders of the ships were as much surprised and disappointed by the action of the Government as we were. They would not have undertaken the transaction unless they had been impressed with the belief that the supreme Government fully understood and approved what they were doing, and they were ready and willing to comply with their engagements, and to assume any reasonable responsibility in the effort to fulfil them.

The course of the Civil War about this time took an unfavourable turn for the Confederate States, and the South began to show signs of exhaustion, which were painfully manifest to those of us who were conscious of the strain, and the inadequacy of the means to resist it.

The apparent change in the probable result of the Civil War, the manifest evidence that the Mexican enterprise was bitterly resented by the people of Mexico and was also sorely vexatious to the majority in France, and the loss of prestige which failure in that expedition would doubtless inflict upon the Imperial *réjime*, must have been very disquieting to the Emperor and to those immediately attached to his person and his Government. At the same time, Great Britain persistently declined to join with him in any act which might tend to strengthen the South, or to bring pressure upon the United States in respect to the recognition of the Confederate Government, and he did not therefore feel equal to the effort of maintaining his position at home and abroad, with the United States for an additional and open enemy, and the South unable to assist.

I can think of no other causes why there should have been any change in the policy of the Imperial Government towards the South ; and as those causes are suffi-



cient to account for a departure from a course which was adopted for 'reasons of State,' we may assume that 'reasons of State' required the change. Nevertheless, it was our duty to act up to the very end of the struggle as if final success was assured, and to relax no effort that could in any way contribute to that end, or which might strengthen the position of the Confederate Government in seeking the reparation which could have been justly claimed from that of France for the injury inflicted upon the South by the sudden and total change of policy.

There was no reason why the Government at Richmond should have refrained from making those transactions public at the time, except that to have done so would have borne the appearance of malice, and the effect would have been to alienate the sympathies of the Imperial Government, which Mr. Slidell was assured were still with the South; but it cannot be doubted that if the Confederate Government had been able to maintain itself, and to achieve the independence of the Southern States, some explanation of those arbitrary and contradictory proceedings would have been required—at least, they would have been taken into account in settling the conditions of a treaty of amity and commerce between France and the new American Republic.

Ex-President Davis, in his history of the 'Rise and Fall of the Confederate Government,' has not mentioned either the invitation to build ships in France or the sudden and peremptory withdrawal of the permission. He has dealt very fully and almost exclusively with the grand military events which marked the progress and failure of the greatest effort ever made by any people to obtain the right of self-government. Perhaps it might have appeared to him scarcely worth while to swell the

contents of a necessarily voluminous history with a vain lament over disappointed hopes which, had they been realized, would have been too late to change the result ; and he may have thought that the circumstances were in themselves trivial and unimportant when compared with the magnitude of the struggle at home, the brilliant promise of success which at one time animated the Southern people and encouraged them to persevere, and the distressing consequences of the final catastrophe.

At the time when Ex-President Davis was preparing his account of the origin, progress, and results of the great Civil War, the Imperial *régime* had itself passed away, under circumstances of distress and affliction to its author, and of much humiliation and trouble to France. The contrast between the brilliant meridian of the life of Napoleon III., when he ruled the French people with autocratic will, and when his mere manner of greeting a foreign ambassador on the occasion of a State ceremony was thought to have a political meaning which disquieted all Europe, and the sudden and total extinction of his power and his influence, might have aroused the irony of a personal enemy, and have furnished the occasion for the sarcasms of a hostile critic. But the final course from the Imperial throne in Paris to the death-bed at Chiselmhurst was so swift, and the intervening way was so rough and painful, that sympathy displaced all bitter memories, and compassion left no room for malignity.

It is not improbable that Ex-President Davis perceived what is now known, that failing health and corporal suffering had greatly impaired the mind and weakened the will of the late Emperor of the French, and that even in 1864 he had neither the energy nor the sagacity which enabled him to re-impose the Napoleonic

*régime* upon France, or which brought him out of the Austro-Italian War with the bulk of the military honours, and two provinces of his ally in addition. The foregoing would seem to be sufficient reasons why the conduct of the Imperial Government of France towards the Confederate States was passed over in silence by an author who was himself the chief figure and the chief sufferer in the history he was writing. Mr. Davis was not desirous to cast any reproach upon the fallen Emperor, and it would have been impossible for him to mention the encouragement the Confederate Government had received, and the subsequent denial of all practical help, without expressing some condemnation of both the policy and its author.

But in a narrative whose especial object it is to give a true and exhaustive account of the effort made by the Confederate Government to create a navy, the transactions in France, and the conditions under which they were attempted, cannot be omitted. Many persons who are still living at the South know that the Confederate Congress authorized the building of ships-of-war in France, and they have a legitimate right to be informed why the purpose failed, if anyone employed in carrying it out publishes a narrative of the events at all. If I thought that the mention of these transactions now would excite the ill-will of the Southern people against France, or that a statement of the facts would be the origin of a grievance against the present French Government on the part of the United States, I would omit them altogether ; but I feel assured that the South is better and more wisely employed than in nursing its disappointment and treasuring up wrath, and that even the North is settling down to a condition of mind in which contentment with the present, and hopefulness as

regards the future, are uniting to obliterate all that was irritating and vexatious in the past.

Captain Tessier brought me the report of the peremptory commands of the Imperial Government on the 9th of June, 1864, and I went to Paris in about a fortnight to consult with Mr. Slidell, and to get full explanations from M. Arman, who came up from Bordeaux by especial appointment to meet me. The mystery of the transaction appeared so profound, the disappointment and injury to the Confederate States was so grievous, that Mr. Slidell desired to be fully and minutely informed, and I requested him to permit his chief-secretary, Mr. George Eustis, to go with me to see M. Arman and to assist in the investigation.

The official reports to the Navy Department were full and explicit. They mentioned every circumstance which could help to illustrate the management of the enterprise and the conduct of the Imperial authorities, and the replies from Richmond demonstrated with clearness and force, both the disappointment of the Confederate Government and the consciousness of the deceptive hopes that had been held out to Mr. Slidell, and which were also aroused by suggestions to the Secretary of the Navy through other sources having every appearance of genuine authority.

The despatches referred to were of a confidential character—they were written under the influence of a disappointment which naturally aroused feelings of resentment. Suspicion was excited against persons, and they were mentioned in terms of censure which subsequent inquiry proved in some cases to be unmerited. To publish the official correspondence with the Confederate Navy Department in full would not add weight to the evidence, and would furnish no additional fact at

all essential to a complete explanation of the transactions.

M. Arman produced official documents to prove his authority to undertake the construction and armament of the ships, and the official order to sell them. He gave Mr. Eustis and myself a full and particular account of his last interview with the Emperor, in which, as he informed us, his Majesty reproved him for the delay in disposing of the ships, and peremptorily ordered him to get rid of them at once, and to produce proof of the sale, so that M. Drouyn de l'Huys might be able to satisfy the United States Minister in respect to them. Under this irresistible pressure the corvettes and one of the rams built at Bordeaux were sold to Prussia, the second ram was sold to Denmark, and the two Nantes corvettes to Peru. To add to the mystery of these proceedings, and as an aggravation of the apparent treachery to the Confederate States, we were compelled to submit to the despatch of the vessels to Prussia at a time when that country was at war with Denmark. M. Arman explained to us that to meet this difficulty the sale to Prussia had been effected through a banker of Amsterdam, who had acted as the intermediary, but he informed us that the French Government were fully conscious of the arrangement.

I have already stated that M. Voruz closed up the sale of the two ships built by him, and settled the entire transaction in full. The financial negotiations with M. Arman were more complicated. At a later date, an arrangement was made with him by which we got possession of the ram which had been sold to Denmark, and this caused so much delay in the final settlement, that at the termination of the war the accounts with M. Arman were still open. The transactions had involved large

payments and expenditures, and although M. Arman had refunded a considerable amount at the time when the first corvette was sold to Prussia, yet there was still a large balance in question at the end of the war, which has never been settled.

In the year 1867 the United States instituted a suit against M. Arman in respect to his transactions with the Confederate Government, and for the payment to them of the money he had received on account of the Confederate Navy Department, but the French Court gave judgment for the defendant. Subsequently M. Arman failed, whether in consequence of the above prosecution or too great an extension of his business I have never been informed, but the sudden termination of the war, and the total extinction of the Confederate Government, left him in the position of freedom from any legal liability to a former representative of that Government; and as the French Courts decided against the claim set up by the United States, he became, as it were, the residuary legatee of the defunct Confederacy, and the total of the remaining assets was left in his hands, and was sacrificed in his misfortunes.

M. Arman died a few years after the above-mentioned events. It is at least due to his memory that I should say that he offered to settle his accounts with me after the close of the war; but when he did so, we did not agree as to the balance due, and I was not willing to assume any further responsibility with reference to Confederate affairs. Subsequently he proposed to pay over to the United States, by way of compromise, a considerable amount, if I would certify the statement of accounts and the United States would accept a compromise and refrain from taking legal proceedings against him. I declined to give the certificate because the statement did not

exhibit the balance which I would have claimed on behalf of my principals, and I had no authority to make an arrangement or compromise for their successors.\* When M. Arman discovered that the United States purposed to sue him, he determined to repudiate their claim *in toto*, and the result proved that from a pecuniary point of view he was well advised.

Although the statements made by M. Arman to Mr. George Eustis and to me in respect to his interviews with the Emperor and M. Rouher could not be verified by direct inquiry, nevertheless their substantial accuracy was proved by the course of events, and by the official documents which he produced, and which he subsequently gave me. Moreover, if he had undertaken to build and arm those formidable ships for the Confederate Government without a clear and distinct understanding that the administrative and executive officials would be restrained from interference, he would have been acting in direct violation of law, and in open and flagrant contempt of the specific and very peremptory prohibitions of the Emperor's Proclamation of Neutrality, and it can hardly be supposed that the French Government would have taken no legal proceedings against him. As a matter of fact, he was rebuked for not selling the ships promptly when ordered to do so, but he was never reproved for the original undertaking. He continued to occupy his seat in the Assembly, and to receive marks of personal consideration from the highest personages in the Government, and although the counsel employed by the United States did their best to

\* The disagreement between M. Arman and myself was not in respect to the amounts received and disbursed by him, but I objected to the large commissions charged for effecting the forced sale of the ships by order of the Government.

excite prejudice against him, and charged him with breaking the municipal law, and endangering the peace of France by taking part in an attempt to cause a violation of her neutral duties, the court gave judgment in his favour, and even compelled the United States to give security for the costs of the suit.

Mr. Slidell also had a personal interview with the Minister of Marine, about the 25th of June, 1864, and was informed by that functionary that the affair of our ships no longer appertained to his department, but had been referred to the Minister of Foreign Affairs, a proceeding which fulfilled the prediction I had ventured to make in regard to the action of the Imperial Government, should the Confederate cause appear to be losing ground at the time when the ships were near completion, an intimation which I made to the Navy Department in a despatch dated November 30th, 1863, which has been given already in this chapter.

My last report to the Secretary of the Navy on the subject of the attempt to build ships in France was dated August 25th, 1864, and concludes as follows:—

‘It would be superfluous for me to comment further upon the unfortunate termination of our French operations. I have laid all the circumstances connected with them fully before you. There was never any pretence of concealing them from the Emperor’s Government, because they were undertaken at its instigation, and they have failed solely because the policy or intentions of the Emperor have been changed.’

The fortunes of war, it is well known, exercise a strong influence over the policy of neutrals, and there can be no doubt that the relative position of the two belligerents in America had greatly changed when the



Emperor of the French caused Mr. Slidell to be informed that it was no longer possible for him to remain quiescent, and that the Confederate ships in France must be sold to some other nation, as he could not permit them to go to sea, either armed or unarmed, unless the United States were satisfied in regard to their destination. There is no denying the fact that up to about midsummer of 1863, the Confederates were able to keep the Federal armies well at bay, and on several occasions Washington was in more danger of capture than Richmond, to wit, after the battle of Bull Run, the defeat of General McClellan on the Chickahominy, and of General Hooker at Chancellorsville. This is manifest from the panic created at the North by the fear of invasion at those times, and the alarm and uneasiness were forcibly exhibited in the telegraphic calls made by the authorities at Washington upon the Governors of the various Northern States, to hurry forward the militia for the defence of the capital, and the excited, urgent, well-nigh agonizing appeals of some of the Governors, notably Mr. Curtin, of Pennsylvania, and Andrews, of Massachusetts, to the courage and patriotism of the citizens in order to arouse their zeal.

In a volume entitled 'Report of the Secretary of the Navy in Relation to Armoured Vessels' (Washington, Government Printing Office, 1864), there appear a number of letters from official persons at Boston and New York, urgently beseeching the Secretary of the United States Navy, Mr. Gideon Welles, to place and maintain Monitors in those harbours for their protection. Under date of November 12th, 1862 (p. 596 of volume referred to), the Committee of the Boston Board of Trade called Mr. Welles's attention to 'the comparatively defenceless state of the harbour of Boston,' and added :

‘In view of the recent reckless depredations of the piratical steamer *Alabama*, and her reported near proximity to our bay, and also the apparently well authenticated fact recently made public that powerful rams are now partially constructed in England to be used by the rebels in an attack upon our principal cities on the northern coast. . . . it cannot be regarded strange that this community should be pervaded by deep solicitude as to the absence of immediate means to make any adequate defence,’ etc. The Committee express their unwillingness to embarrass the Government, or to ‘make the claims of Boston harbour for protection unduly prominent,’ but they nevertheless affirm that ‘the harbour of the third commercial city in the Union ought no longer to be allowed by its weakness to invite the aggression of a desperate enemy.’ The situation at Boston must have been alarming, and the Committee seem to have been determined to spur Mr. Gideon Welles’s energies to the utmost. They were not content with stating the facts of the case, but they supplied him with the opinion of experts. ‘It is believed by practical men’ (they wrote) ‘that through Broad Sound’ (one of the principal entrances to this harbour) ‘a reckless and daring piratical ironclad steamer might enter without serious injury and lay our city under contribution.’

Governor Morgan, in November, 1862 (p. 597), informed Mr. Welles that the municipal authorities of New York ‘have already taken some measures for raising a fund to protect the harbour by private subscription.’

On November 18th, 1862, the Boston Marine Society took alarm (p. 598), and they backed the appeal of the Board of Trade by a still more urgent petition for protection. Their Committee wrote in the following terms :—‘Our citizens are deeply concerned on the sub-

ject, and look to the Government . . . to make such arrangements as will afford that protection which shall allay their fears and anxieties.' In the same letter they made a statement which looks very like a confession that Boston had earned a special claim to a little retributive vengeance from the South. The statement is as follows :—' There are obvious reasons in the history and condition of the city of Boston which might tempt an audacious and ambitious foe to lay it under contribution or to waste the property of its people. . . . The applause with which such an act would be hailed by the enemies of the Union in the Southern States would nerve the invader to run the risk, while the moral effect abroad, should it be unfortunately successful, might be disastrous to the cause in which our country is engaged.'

When General Lee advanced into Maryland after defeating General Hooker at Chancellorsville, the panic at the North revived, and in June, 1863, General John E. Wool and Mr. George Opdyke, the Mayor of New York, again wrote most urgently to the Navy Department on the subject of the inadequate defences of that city. General Wool was at that time the Military Commander at New York, and on the 28th of June, 1863, he wrote a letter to the Secretary of the Navy (p. 604), which contains the following startling statements :—' The volunteers and militia of this city are being sent to Pennsylvania to aid in the defence of that State. We shall be at the mercy of any privateer that may think proper to assail this city. The temptation is indeed great, for the want of men to man the guns in the forts of the harbour.'

It appears manifest from the official appeals, reports, and statements of high civil and military functionaries who were charged with the care and protection of the

chief cities of the North, that for more than two years after the beginning of hostilities, those cities were harassed by an oppressive consciousness of danger, and that extreme efforts were necessary not wholly to capture Richmond, but to keep the so-called 'rebels' out of Pennsylvania. Although the full extent of the fears entertained by the Governors of some of the Northern States and the people of New York and Boston was not generally known abroad, yet all who read the accounts of the war perceived that the Federal Government had no mere rebellion to deal with; and during the year 1862, and even up to the middle of 1863, it was very generally believed in Europe that if the Southern ports could be kept open so as to admit a sufficient quantity of arms and other military supplies, the Confederate Government would be able to maintain a successful defence, and finally to win a separate and independent position.

If the rams built at Birkenhead had not been interfered with and then stopped by her Britannic Majesty's Government, they would have got to sea a month or two before the time when General Wool was impressing upon the United States Navy Department the defenceless condition of New York, and while Governor Curtin was appealing for help from all quarters to repel General Lee's threatened advance into Pennsylvania. The weak and accessible points along the Northern coast were well known to the Confederate naval authorities, and the Liverpool rams would have been sent to them, and there can scarcely be a shadow of doubt that they would have fulfilled in great part the predictions of General Wool and the Committee of the Boston Board of Trade.

The invitation to build ships in France was given during the period of successful resistance at the South, and of apparent doubt and trepidation at the North. It

was withdrawn when force of numbers and immeasurable superiority in war material began to prevail, and when aid and encouragement was most needed by the weaker side. It suited the Imperial policy, and appeared to be consistent with the designs upon Mexico, to extend a clandestine support to the South when the Confederate armies were still strong and exultant. It was neither prudent nor wise to maintain a doubtful or hesitating attitude towards the winning side when it became apparent that the prospect had changed, and that neither the Emperor Maximilian nor Mr. President Davis could probably maintain his position. '*Voilà tout*' is a brief and terse French phrase, which expresses the explanation of the diplomatic summersault better than any English equivalent, and its use may be pardoned on the occasion of describing an occurrence which has special reference to the Government of France.

There does not appear, in the correspondence between the United States Minister at Paris and the Minister of Foreign Affairs, any evidence that either Mr. Dayton or Mr. Seward suspected that the Confederate agents had been acting in France with the secret encouragement and consent of the Imperial Government. It is not probable, however, that the American Minister would have mentioned his knowledge of such a fact unless his application for the detention of the ships had been refused. The prompt compliance with their demands satisfied the United States, and they were content to know that no hostile vessels from a French port would ever be permitted to arouse the apprehension of General Wool and the 'Boston Marine Society,' and they did not care to pry into the secret history of their origin.

In the 'Case of the United States,' presented to the

Tribunal of Arbitration, it is stated that the authorization obtained by M. Arman to arm the four corvettes, and his conduct with reference to the rams, were unknown to the Minister of Foreign Affairs, and that when the Minister of the United States at Paris brought the subject to the attention of M. Drouyn de l'Huys, he took immediate steps to prevent a violation of the neutrality of France.

When M. Arman applied to the Ministry of Marine and the Colonies for the authorization to arm the ships, he stated precisely what it was previously understood by the Imperial Government that he should state, namely, that the ships were intended for a line of packets between San Francisco, Japan, China, etc., and that the armament was required for their protection against pirates in the Eastern seas, and, moreover, to fit the vessels for a possible sale to the Japanese or Chinese Government. M. Arman had been told that he must give a plausible reason for building such formidable ships, and that the Government would not interfere with their despatch from France, or permit an inquisitive inquiry into their ultimate destination and purpose.

The foregoing was in precise accordance with the hints given to Mr. Slidell by persons in high positions who were in close and constant intercourse with the Emperor. I have no means of knowing whether M. Drouyn de l'Huys had been informed of the arrangement with M. Arman, or the intimations conveyed to Mr. Slidell, but I have the original document, signed by M. Chasseloup Laubat, Minister of Marine and of the Colonies, authorizing M. Arman to arm the ships (see p. 67). It will be perceived that the battery of each corvette was to have been twelve or fourteen 'canons de trente,' and it will hardly be thought

credible that the experts at the Ministry of Marine, or the officials who inspected the guns, were deceived as to the character of the ships, or that they ever thought such powerful armaments could have been intended for defence against Chinese pirates in the year 1863.

It will now, I think, be admitted that the fall of Vicksburgh, by which the Mississippi was opened throughout its whole course to the United States gunboats, and the Confederate States severed in twain, and the nearly simultaneous repulse of General Lee at Gettysburgh, were the turning-points of the war. Up to the date of those events the South was able in the main to beat back invasion, and sometimes, by a supreme effort, to assume the offensive. But by that time the drain of battle and disease had greatly diminished her fighting population, and the stringency of the blockade had become so great, that it was impossible to supply the reduced numbers in the field with effective arms and ammunition, and all other necessary supplies could only be obtained at uncertain intervals and in insufficient quantities.

During the last advance upon Richmond the Confederate troops fought with their accustomed intrepidity, and by unflinching courage in resistance, and patient endurance in the lines around Petersburg, they prolonged the last fatal campaign for a whole year—say from ‘the battle of the Wilderness’ to the surrender at Appomatox Court-house. But it was manifest that the power of the country was overstrained; and while the struggle and the resistance of the Confederate forces at all points after the disaster at Gettysburgh was an effort which in future history will place the Southern people among those nations who are most notable for military aptitude and prowess, it was nevertheless a contest that gave but little promise of final success. As the South

grew weaker, the chief European States became more and more rigid and discriminating in their neutrality, until finally they practically prohibited that branch of trade which was most likely to afford sufficient succour to the overmatched Confederacy, and left untrammelled the traffic in those articles which were most needed and most easily obtained by the United States.

It is not my wish or purpose to revive the memory of past disappointments, or to arouse a feeling of enmity against those countries whose deceptive neutrality contributed to the defeat of the South. The history of the naval enterprises of the Confederate States which were organized abroad would, however, be very incomplete, and the disparity between the hopes entertained by the people of the South and the results accomplished would not be capable of explanation, unless the whole of the facts and circumstances are fully stated. The South has accepted the result of the war, business and social relations are again intermingling the people of the two sections on terms of friendship and intimacy, and the great majority on both sides can now recur to the events of the war and discuss them as historical incidents, and not as subjects for strife and recrimination. One of the chief purposes of this narrative is to acquaint the Southern people and others who may be interested in the great Civil War with some of the transactions which appear to be but little known ; and I wish to deal with the occurrences purely as historical facts, and to point out the natural and reasonable inferences without bias or exaggeration.



COPY OF FRENCH MINISTER OF MARINE'S LETTER  
GRANTING AUTHORITY TO ARM THE FOUR COR-  
VETTES.

A Monsieur Arman, Député au Corps Législatif, Rue Godot de  
Mauroy 1.

Ministère de la Marine et des Colonies, 2<sup>m</sup>e Directoire Personnel,  
2<sup>m</sup>e Bureau, 1<sup>re</sup> Section, Inscription Maritime,  
Paris, le 6 *Juin*, 1863.

MONSIEUR,—

Je m'empresse de vous faire connaître, en réponse à votre lettre au 1<sup>re</sup> de ce mois, que je vous autorise volontiers à pouvoir d'un armement de douze à quatorze canons de trente les quatre batiments à vapeur en bois et en fer qui se construisent en ce moment à Bordeaux et à Nantes.

Je vous prie de vouloir bien m'informer en temps utile de l'époque à laquelle ces navires seront prêts à prendre la mer afin que je donne les instructions nécessaires à MM. les chefs du service de la Marine dans ces deux ports.

Recevez, monsieur, l'assurance de ma haute consideration,

Le Ministre Secrétaire d'Etat de la Marine et des Colonies,

(Signé) CHASSELOUP LAUBAT.

Pour copie conforme,

(Signé) J. VORUZ, aîné.

It will hardly be thought by anyone that if the purpose had been to conceal from the French Government the true destination of ships so wholly fit for war, and so manifestly unfitted for commerce, the attempt to deceive would have been made through the transparent pretence that they were designed for a line of packets between San Francisco and China.

## CHAPTER II.

Misconception by the United States of the attitude of the English and French Governments.—Repurchase of the *Sphinx* from Denmark.—Precarious condition of the Confederate Cause at that period.—Correspondence concerning the despatch of the *Stonewall* (*Sphinx*) from Copenhagen in conjunction with the *City of Richmond* from London.—The *Stonewall's* challenge to the United States ships *Niagara* and *Sacramento*.—Surrender of the *Stonewall* to the Cuban Government at the end of the War.—Her subsequent delivery to the United States.

FROM the contents of the preceding chapter, it will be perceived that the French Imperial Government wholly changed its attitude of tacit encouragement to the Confederate States just at the time when the secret pledges were ripe for effective fulfilment, and when the possession of the ships built under cover of official connivance might have supplied a great and pressing need, and would have measurably increased the power of the Southern States to continue the unequal contest.

One of the strangest features in the retrospect of these Confederate operations in Europe is the evidence we have of the misapprehension of the United States in regard to the feeling of the two great maritime Powers—England and France—towards the American belligerents. In the diplomatic correspondence of the United States during the war there often appear commendatory ac-

knowledgments of the friendly neutrality of France and other Continental Powers, and in the 'Case of the United States' presented to the Tribunal of Arbitration at Geneva, 'the proceedings against M. Arman's vessels' are cited 'as a proof of the fidelity with which the Imperial Government maintained the neutrality which it imposed upon its subjects.' Her Britannic Majesty's Government, on the contrary, is denounced by Mr. Seward for its partiality to the Confederate States, and is charged in both the official despatches and in 'the Case' with the gravest offences against international law and neutral duties, and the complaints and insinuations were often expressed in such offensive language, and were sometimes so personal, that in reading them now it is impossible to suppress a feeling of surprise that they were borne so meekly, and answered with so much forbearance.

Whether the Government of the United States ever suspected the secret encouragement which the Emperor of the French gave to the South, does not appear in the printed correspondence, and cannot be now known. What Mr. Seward and the compiler of 'the Case' commended, was the prompt, energetic action of the Imperial Government at the critical moment, and they probably cared very little about the original promises or intimations to Mr. Slidell, even if those promises were known to them. The indignation, one might even say the contempt, with which they speak of the British Government of that date, appears to have been the outcome, not of animosity against Great Britain, but of irritation produced by the vacillation of her Majesty's Ministers.

If General Lee had won the battle of Gettysburgh and had been able to hold the line of the Potomac through the winter of 1863-64, and if, meanwhile, affairs had

gone on smoothly with Bazaine and the Emperor Maximilian in Mexico, the answer to Mr. Dayton in reference to the Arman ships would have been very different to the reply which was actually given, and Mr. Seward was no doubt conscious of that probability. He knew that there would be a decided answer to a categorical demand one way or the other, and that official action would be prompt and effective, and he was impressed with the respect which energy and promptness in action always inspire, whatever the motive.

The Confederate Government had greater cause to complain of the uncertain and hesitating policy of the British Ministry than that of the United States, because the injury to the former was far greater than to the latter; but I can find nothing in the despatches of Mr. Secretary Mallory, or in any other official document from Richmond, approaching to the acrimony of Mr. Seward's angry expostulations.

It has been impossible to give a clear and comprehensive account of the Confederate operations in England without pointing out and demonstrating the deceptive character of British neutrality during the American Civil War; but I have not confounded the disappointment which resulted from vacillation with the chagrin and vexation which was provoked by a broken pledge. It has been necessary to comment upon the difference between the neutral duties of Great Britain, as expounded by several Cabinet Ministers, and the manner in which they were practised by the Secretary of State for Foreign Affairs, but no responsible Confederate authority has ever intimated that her Majesty's Government held out the least hope that anything would be permitted which was not in accordance with law, and with the conditions of the Queen's Proclamation of Neutrality.

If the Confederate States had gained their independence, the only complaint they could have urged against Great Britain would have been somewhat in this form : — ‘ You called attention to your municipal law, and announced the purpose to maintain a strict and impartial neutrality. You warned us not to infringe the specified statute, nor to expect any favour which would imply a departure from your neutral duties ; but in point of fact you “ strained the law ” \* against our agents, and as regards your declaration of neutrality, you practically helped our enemy by restricting our means of getting supplies, which were freely furnished to him.’ The case against France would have been very different, say in this form : — ‘ We had not the least purpose to come to you for the supply of our special wants. We preferred to use the dockyards of England, and to rely upon the manifest meaning of British law and the constitutional mode of applying it, than upon the personal feeling of the highest persons in the State ; but you invited us to come to you, gave us pledges, and even suggested the pretence upon which the apparent purpose of your neutral declarations might be evaded. Then at the critical moment you withdrew the promises, and acted just as if you were repelling an infringement of your neutral rights, giving us a diplomatic repulse, whose sting was not softened by the pleasant and sympathetic phrases in which it was communicated to us.’

The Confederate Government fully comprehended this difference between the conduct of England and France, and Mr. Mallory’s despatches on the subject comment upon the hostility of the United States to the Mexican policy of the Imperial Government, and the improbability of that hostility being in the least degree modified by

\* *Vide* speech of Solicitor-General quoted in another chapter.

the suppression of M. Arman's efforts to supply the Confederate Navy Department with a fleet of ships.

The desire to retain a hold upon the French ships was so great that every possible plan was suggested and discussed. Mr. Slidell even had private unofficial interviews with one or two of the Ministers, with the purpose to obtain leave to complete the vessels leisurely, on the condition that no attempt should be made to remove them from the ports of construction without special permission, or until the end of the war. The object was to maintain such a lien upon the vessels that we could regain possession of them if circumstances should at any time induce the Imperial Government to return to its original policy of encouragement to the South. Some concessions were offered to Mr. Slidell which had at first a hopeful appearance, but the ultimate conditions attached to them were found upon reflection to be impracticable; and meanwhile the builders had gone so far in fulfilling the peremptory orders to sell, that the vessels were no longer within their unlimited control.

About the 1st of August, 1864, all efforts to come to any arrangement with the Government were abandoned, and we had the mortification to know that officers and agents of those who had bought the ships were superintending their completion. When the corvettes and the rams built at Bordeaux were sold to Prussia and Denmark, those Powers were at war about the Schleswig-Holstein Provinces, and during an armistice the Prussian ships were, I believe, hurried off to their destination. M. Arman reported this to me at the time. I continued to keep up communication with M. Arman, because he had promised that if any change in the progress of the Prusso-Danish War should induce either of the purchasers to dispose of one or more of the ships, I might again get possession.

With the view to be reliably informed of the events at Bordeaux, I frequently sent Captain E. Tessier there, who acted as my agent in that and several other transactions requiring tact, prudence, and a familiar knowledge of Continental languages and customs. My appearance in Bordeaux for a single day would have excited suspicion, and Captain Tessier was warned to guard against exhibiting any greater curiosity about the vessels than a professional man visiting a maritime city and its dockyards would be likely to show.

Captain Tessier was familiar with the designs of the rams and the peculiar service for which they were intended, namely, on a shoal coast and in the Mississippi river. He soon informed me that the engineer who was superintending the ram bought by Denmark was making alterations which materially changed the original plan, and that the method of securing the armour-plates, and some other portions of the work, was being done in a manner he felt sure I would not approve. It is probable that the chief object of the Danish agent was to get the vessel completed for immediate service, and that time was more important in his estimation than extreme care and nicety in construction. Captain Tessier could only communicate secretly or confidentially with M. Arman, and it was impossible to interfere in any way with the acts and purposes of the actual owner.

There appears to have been much delay in the completion of the Danish ram. Whether the difficulty of getting her out of France during the continuance of the war with Prussia was the cause or not, I have never been informed, but when she was at last finished, hostilities had ceased, and questions arose between M. Arman and the Danish Government about the acceptance of the ship. M. Arman informed me that the

Danish Ministry of Marine wished to annul the purchase, because, as he stated, the vessel was not ready in time to take part in the war, and was not wanted for the peace establishment. The ship was, however, taken to Copenhagen in November, and while she was there M. Arman sent an agent whom he often employed in his transactions with foreign Governments, and who represented him in the business with Denmark, to communicate the state of affairs to me, and to arrange for a re-delivery of the ram to the Confederate States. The representative of M. Arman in the negotiations for the sale of the ships was of course familiar with all the arrangements by which those already delivered had been despatched from France, either during actual hostilities between Prussia and Denmark, or during a short armistice. M. Arman had offered in October to manage the transactions with the Danish Government in such a way as to effect a re-delivery of the ship to me ; but the vessel was then incomplete. I had every reason to suppose that the sale to Denmark was believed to be *bonâ fide*, both by the French Foreign Office and the United States Minister, and I thought it would be imprudent to enter into an engagement which could by any possibility arouse suspicion, and again draw attention to a Confederate agent. When, however, M. Arman sent his representative the second time with a proposition for the delivery of the ship, the circumstances had wholly changed. The vessel was clear of French interference. She was in Copenhagen, or at least she was *en route* for that port, and the purchasers were desirous to annul their bargain. M. Arman proposed to instruct his agent to manage the negotiations at Copenhagen so as to give me time to collect a staff of officers, prepare the necessary supply of stores and a tender, and to select a suitable rendezvous.



He said that when I was ready his agent would get leave to engage a Danish crew to navigate the ship back to Bordeaux, but instead of returning to that port he would take her to the appointed rendezvous, and deliver her to the Confederate officer appointed to command her.

The business arrangements relating to the management of affairs at Copenhagen involved some complications, and they were not finally settled until December 16th, 1864. All the details of this transaction are as fresh in my memory as if they had occurred within the current year. The ship was reported to be suitably provided with everything necessary for her navigation, and she had on board her battery, say one 300-pounder and two 70-pounder Armstrong guns, with a quantity of shot, shells, fuzes, etc., but no ammunition or small arms.

In spite of the great value which even one iron-cased vessel thus armed would have been to the Confederate Government if she could be promptly placed at a given point on the Southern coast, I foresaw the intricacy and complexity of the arrangements necessary to accomplish such a purpose, and the merely physical difficulties at that season of the year were not to be overlooked.

When the rams were begun at Bordeaux with the full knowledge and approval of the Imperial Government, it was purposed, and was so stipulated, that they should be ready for sea in May, or, at the latest, in June, 1864. The vessels were of small size, and were designed for operations in the Mississippi river and the shoal harbours of the Gulf coast of the Confederate States. Their draught in their best fighting trim was to have been fourteen feet. To load them deeper would of course be admissible for the purpose of making a passage, but

under such conditions their qualities would be unfavourably affected, both as regards speed and buoyancy, and yet to get them across the Atlantic it would be necessary to weight them heavily with fuel and other stores. If there had been no interference with the work, and no prohibition of their delivery to the Confederate States, both rams would have been in our possession, outside of the river Gironde, in the early part of June, 1864, and we would have had mild summer weather to drop them safely over to their working ground, with the Azores, Nassau and Havana for coaling stations.

At the date of the proposition for the delivery of the *Sphinx*, it was approaching mid-winter, and the vessel was at Copenhagen, with all the intricacies of the Sound, the narrow waters between Denmark and Sweden, the tempestuous gales of the German Ocean, the dangers of the English Channel, and the fierce Biscay gales to encounter and overcome before she could reach a safe place of rendezvous to receive her ordnance stores and her fighting crew.

Besides this, the condition of affairs had meanwhile greatly changed in America. The weak fortifications at Mobile, and the mere pretence of a naval flotilla which the Confederate Government had been able to provide for the defence of that city, had proved wholly insufficient to resist the vigorous attack of Admiral Farragut's powerful fleet, and the bay of Mobile, with the adjacent inland waters communicating with New Orleans, were in complete possession of the Federal military and naval forces. The United States had also obtained control of the Mississippi from the northern boundary of the Confederacy to its delta, and they had got such a firm grip of the passes of the river, and of every approach to New Orleans, that an attempt to displace them, or even to

make such a naval demonstration in that quarter as would cause them serious apprehension, would have required a far greater force than one small ironclad ram.

Galveston was believed to be still in possession of the Confederate troops, but the Trans-Mississippi States had been completely severed from the remainder of the Confederacy, and an effort to accomplish anything for their defence by the despatch of so small a naval expedition to the only point accessible from the sea, and affording at the same time means of communication with the interior, appeared well-nigh Quixotic. If any effective aid could be rendered to the hard-pressed armies still gallantly holding General Grant at bay from behind the fieldworks of Richmond and Petersburg, and striving to check Sherman's march through Georgia, that support must be sent to the Atlantic coast.

It was known in Europe that a combined naval and military attack was about to be made upon Wilmington. The Confederate forces in the south-west were so greatly reduced in numbers that it was quite manifest they could not protect the open country from devastating 'raids' and keep a sufficient force in General Sherman's front to check his march towards Savannah. In fact, he had already passed the last effective barrier at Atlanta, and there were only a few weak battalions between the head of his advancing columns and his objective point. The force available for the defence of Wilmington was too small to justify much expectation of a successful resistance, and General Lee's supremest efforts were barely sufficient to keep General Grant from breaking his lines, or turning the right of his entrenchments and so cutting him off from communication with the interior or from retreat. The enemy held the fortifications at the mouth of the Savannah river, and access to that port had long

been closed. Charleston was almost beleaguered by land, and a powerful co-operating naval squadron made access to the harbour impossible. The collection of a large fleet off Wilmington, preparatory to the combined attack upon its defences, effectually barred the Cape Fear river from the approach of a blockade-runner. The Confederacy was thus almost hermetically closed against communication from without, and the Government was practically shut up in Richmond, with scarcely a single line of communication open with the country lying beyond the boundary of General Lee's earth-works.

The foregoing may seem to be a sensational synopsis of the condition of affairs, but there is not a single statement that is not confirmed by the facts, and they have not been consciously exaggerated in any particular.

Neither the Confederate Commissioners nor the practical agents of the War and Navy Departments were, however, willing to admit that all hope was lost, nor were they willing to cease active exertions so long as the Executive Government was intact, and was able to hold possession of a port or to maintain an army in the field. Commodore Barron and the staff of naval officers who came to Europe with him to take charge of the English ironclads were still in France, concealing themselves as much as possible from public notice, but fretting under their forced inactivity, and ready, I knew full well, to undertake any service, even though it might appear a 'forlorn hope.'

The Commissioners, with Commodore Barron and Major Huse, carefully considered and discussed with me the proposed enterprise. We took account of all the circumstances, the strained and well-nigh depleted condition of the finances being a prominent difficulty, and it

was unanimously determined that the effort should be made. No time was lost in consultation. As soon as it was known that the ram had been permitted to leave Bordeaux, and was thus free from suspicion, I had despatched Captain Tessier to Copenhagen to learn what he could of her condition and performances during the voyage. He got to Copenhagen soon after the arrival of the vessel, before she had been painted or otherwise set in special good order, and found means to go on board and make a personal but necessarily casual inspection. He made a written report, in which he said that he had been able to satisfy himself that the vessel exhibited no visible signs of straining. ‘The sheer of the ship was true, and the putty or cement filling between the edges of the plates was not even cracked. On deck I tried the butts of the deck-planks, the water-way seams, the butts and scarfs of the water-ways, covering boards and rails, and found them all in perfect order. The *Sphinx* certainly did then show no sign of weakness.’ Captain Tessier remarked upon the alterations and insufficient fittings to which he had previously called my attention soon after the sale of the ship to Denmark, but it was now too late to restore them, even if he could have suggested anything of the kind to the people in charge without exciting suspicion.

Although compelled to be content with a hasty examination of the ship, Captain Tessier was able to get a copy of the ‘Rapport de Mer,’ or official report of the voyage from Bordeaux to Copenhagen, made by the French captain who took her round to the French Consul. The report was a mere amplification of the ship’s log for the information of the Consul, and gave the performance of the ship and her speed without other remarks than that she behaved and steered well in all weather, and

that the twin screws worked satisfactorily. It appeared from the log that from Bordeaux to Cherbourg she averaged ten and a half knots per hour, from Cherbourg to Beachy Head, bearing north, ten knots, the weather being moderate and wind generally E.N.E., which was a head wind. After passing the South Foreland, the wind and sea increased, and the speed was eased to five knots, and afterwards it was regulated in accordance with the weather. The 'report' concluded with the statement that the ship had behaved well under all circumstances, 'especially during heavy squalls on the 5th and 6th of November, when sailing vessels were scudding under very short canvas.'

I mention the foregoing particulars because the performances of the ship were not so satisfactory when the Confederate naval officers got possession of her, her average speed then proving to be only eight and a half knots in good weather, and dropping to five and even four with moderate head sea. During the voyage to Copenhagen the engines were in charge of an inspecting engineer from the works of Messrs. Mazelin, where they were constructed, and the ship was probably also in the trim best suited to her size and peculiar design, although it appears from the 'Rapport de Mer' that she was loaded to fifteen feet, which was one foot more than her calculated fighting trim. When she began her voyage as a Confederate ship, the engineers in charge were strangers to both the vessel and her engines. The only really trustworthy and loyal engineer was a young man of hardly sufficient experience for the position. They were, however, the best men who could be got at the time, and it is not surprising that a better class of artisans could not be induced to undertake a service in which the discomfort, exposure and danger were manifestly greatly in excess

of the remuneration it was possible to offer. Besides this, the ordnance stores, fuel, and other supplies necessary for the adequate equipment of the ship for the long Atlantic voyage in the depth of winter over-weighted her, and reduced her to a condition in which she was not intended to be placed, except, perhaps, for a short run from one coast port to another, and then only under favourable conditions of weather.

The inspection made by Captain Tessier and the 'Rapport de Mer' were independent accounts of the condition and performances of the ship, and although it was manifest that the alterations made after the forced sale had somewhat affected her character and efficiency, yet it was thought advisable to go on with the arrangements for getting her to sea as a Confederate ship. It was hoped that the mere knowledge of the fact that the Confederate Government had been able to get an ironclad vessel in Europe, and that she was actually *en route* for the American coast, would animate the spirits of the Southern people in the struggle, which was becoming more hopeless day by day, and there was also some expectation that exaggerated rumours of her power and efficiency would reach the United States, and that the arrangements it might be thought necessary to make in order to meet and defeat her attack, would cause some delay or confusion in the proposed operations against Wilmington and other ports on the coast of Georgia and the Carolinas.

Captain Thomas J. Page, an old and experienced officer, bred in the United States navy, who had been sent out from Richmond to command one of the so-called Birkenhead rams, was selected for the **first** place in the enterprise. He had kept himself so completely out of sight since his arrival in Europe, that it was felt to be almost

certain that he would not be known to any spy whom the United States officials might possibly employ to watch the ship ; besides which, he was a man particularly well suited for secret service by reason of a marked constitutional tendency to silence and reserve when among strangers or newly made acquaintances. Captain Page was sent to Copenhagen to pick up such personal acquaintance with the ship as was possible, to supervise the local expenditure, and to take passage in her for the rendezvous.

Lieutenant R. R. Carter had returned to Europe after his successful voyages with the *Coquette*, mentioned in another chapter, and was on special service with me. This officer is justly entitled to some special notice. I was obliged to impose upon him many and various duties, often of a kind to give him hard work and much anxiety, with but little chance of gaining personal distinction. He was thoroughly well informed in every branch of naval education, and had, besides, an ingenious mind, with quick perceptions, and an admirable aptitude for applying with intelligence and vigour the means at hand to the end in view. These qualities fitted him to design as well as to execute, but he had a keen perception of the duty as well as sound policy of sticking close to the plan he was appointed to carry out, and was never drawn away from the course sketched out for him by the hope of making his own position more prominent, or the expectation of creating some striking effect.

Every naval enterprise undertaken by the Confederate Government in Europe depended for its success upon the fidelity of each of the several agents employed to the instructions and plans laid down by the director of the expedition. It was absolutely necessary for everyone to whom a part in the effort was allotted to conform strictly



to the time and method of performing each detail, and in these respects Carter was the most scrupulously loyal man I ever knew. He seemed to merge his individuality for the time being into that of his immediate chief, to think with his mind, and to act with his impulse. Many well laid schemes in war have been frustrated, or their effects neutralized by forgetfulness on the part of subordinates, implicit obedience being as necessary in those who execute, as strategic skill is required by those who direct movements of any importance.

Failure in execution could never befall Carter's share in an enterprise except through what the French call *force majeure*, and when he set about his allotted part of an undertaking, the directing authority could turn his thoughts to other matters without harassing fear or doubt in regard to details. I detached Carter from special service with me, and he was sent to Nieuwe Diep to arrange for coaling the ram at that place, to look after other matters in connection with her, and finally to join her as first-lieutenant.

A very necessary initiatory arrangement with reference to the despatch of the ironclad from Copenhagen was to select a merchant of respectability at that place to transact the local business, and to engage a Danish crew for the proposed voyage to Bordeaux, so that all might be done in accordance with the laws of the country and the customs of the port. This was a matter of some delicacy, as it was absolutely necessary to acquaint the agent to some extent, at least, with the ultimate movements of the ship, and to arrange with him a secret telegraphic code, in order that the preparation and departure of the supply tender from England might be regulated with due reference to the requirements of the vessel at Copenhagen. We were happy

in finding a very suitable agent, who managed his part of the transaction with prudence and fidelity. I supplied him with a cypher code by which he was able to keep me well informed of the condition and movements of the ram, and I could send instructions and advice in regard to the tender.

At the time when this expedition was taken in hand, the financial condition of the Confederate Treasury in Europe was at a very low point, and there was great difficulty in providing the necessary cash for any unexpected purposes. Indeed, there appeared to be a startling deficiency of funds to meet actually existing contracts. The greater portion of the money which had accrued from the compulsory sale of some of our ships had been transferred to the general Treasury account, partly to pay interest on bonds, and partly to pay bills drawn by the War Office at Richmond in favour of the purchasing agents in Europe. In fact, the wants of the army had then become of paramount importance, and it was manifest that they would absorb the whole financial resources of the Government. To follow the usual practice of buying a tender, even though there might be promise of profitable employment for her afterwards, was out of the question. Happily there was in London a handy steamer built for blockade-running, and the owners had employed Lieutenant Hunter Davidson, of the Confederate navy, to take charge of her for a proposed voyage to Bermuda, *en route* for Wilmington.

Mr. W. G. Crenshaw, of Richmond, Virginia, had served in the Confederate army up to the close of the campaign which ended with the battle of Sharpsburg and the retreat of General Lee from Pennsylvania. He was a merchant of approved skill and experience, and

upon his return to Richmond after the above-mentioned military operation, the War Department made an arrangement with him to go to England, and to organize a company for the especial purpose of running supplies through the blockade, and to personally superintend the purchase of commissary stores, and such other articles as might be within the range of his mercantile experience. Mr. Crenshaw was therefore in some degree a Government agent, but the essence of the arrangement with him was that he should act purely in a private character, and that he should draw foreign capital, as well as his own commercial credit, into the enterprise. Mr. Crenshaw succeeded in adding some impulse to the trade of blockade-running, and he built or purchased a number of good steamers, which helped to provide the Confederate armies with the means of keeping the field. The vessel above alluded to was one of his fleet, and the happy circumstance of her active movements being in charge of an officer whom I knew, and whose discretion I could trust, at once suggested her employment as the tender for our Danish ram.

I applied to Mr. Crenshaw for the loan of her, merely informing him that I required her to take some passengers and freight to a port intermediate to Bermuda, after which she could proceed on her proposed voyage, and stating that such temporary use of his ship would be of great service to the cause in whose behalf we were both interested. Mr. Crenshaw replied by letter, and stated that the steamer referred to was about to sail with the purpose to take into Wilmington 'commissary stores, and from fifty to a hundred tons of railway supplies, much needed in the Confederacy; the railway companies having been admitted into the line

(*i.e.*, his company) to enable them to get supplies for the repair of their rolling-stock.' He added:—'This boat can only expect to get in on January (1865) moon by leaving England by 26th or 28th instant, and going with as little delay as possible to Bermuda,' and he closed his letter thus:—'With these facts we place the steamer at your service, if you require her, and enclose a letter to that effect to Captain Davidson. We shall be well content with any use you make of her, being perfectly willing to forego the pecuniary profit that we might make, if the service will be better promoted, and with all the lights before you, you are quite competent to form a correct opinion.'

It is sufficient to say that I accepted Mr. Crenshaw's generous offer, hoping and believing at the time that the deviation from his proposed voyage and the delay would not defeat the expectation of saving the January moon for running the blockade. Unhappily, the delay was greater than appeared likely to occur—the ship met with a mishap after performing her service for me, and never got into Wilmington at all. In the general crash which soon followed, I made efforts to pay full compensation for the loss Mr. Crenshaw and his associates experienced from the failure of their contemplated voyage, and he made no complaint of the only settlement it was possible to arrange; but I felt that he must have sustained a considerable loss, and I am happy to say that he bore it with the equanimity admirably manifested by the majority of the Southern people in contemplating their ruin at the close of the war.

Affairs were now in train for getting the ram away from Copenhagen. Page and Carter were looking after the principal ship; the ordnance and other necessary

supplies for her complete equipment were ordered, and forwarded to London for shipment in the tender, which may be known as the *City of Richmond*, and Davidson, as the responsible commander of that vessel, managed the receipt and stowage of everything on board.

Commodore Barron with his company of officers were still in Paris, or that neighbourhood, and he detailed some of the latter, whom he directed to report by letter, and to take their further instructions from me. Two of the officers—Lieutenants W. F. Carter and Samuel Barron—were brought over to London to assist in necessary details; the remainder, with a few men (seventeen in all) who had served the cruise in the *Florida*, were collected on board the *Rappahannock* at Calais, and ten or eleven men already on board that vessel were told off for the ram. These movements and arrangements were full of exciting interest at the time, and all performed their parts with zeal and animation. The memories connected with them, however, are not inspiring, and there must always be a lack of buoyancy and ardour in the narrative of an effort which has belied the hopes and expectations which inspired it.

There is a lustre inseparable from a successful enterprise, and a splendour inherent to victory, which no power of language and no play of fancy can impart to defeat. The accounts of the great Civil War written by Northern men are more or less gilded by the glamour of success, and may well be recorded in an exultant flow of phrases, even when kept within the limits of strict historical accuracy. Those who venture to tell what was done on the Southern side can only hope to gain a hearing through the interest which belongs to the facts themselves. They need not, and should not, affect

the dying notes of the swan ; but they are restrained from attempting to counterfeit the soaring melody of the skylark.

Preparations were pushed forward as rapidly as possible, both at London and Copenhagen ; but at the latter place there were a good many difficulties and complications which arose without warning, and had to be met and removed as best they could. Both ships were not ready to start until January 4th, 1864, and on that day I telegraphed our Danish agent by cypher code, ‘ Sail as soon as you can,’ to which I received a reply on the 5th, to the effect that the ram would sail next day. Then followed telegrams on the 7th, ‘ Ship is off ;’ 8th, ‘ Ship has been gone one day, and I have heard of no interruption ; and again later on the same day, ‘ Ship stopped ; heavy gale and snowstorm at Elsinore.’ There was then an awkward silence of two or three days. But the *City of Richmond* was ready for sea, and had been dropped down the river as far as Greenhithe ; to detain her would excite suspicion, and it was necessary to get the officers and men over from Calais and away from England without further delay.

The most satisfactory way in which the subsequent movements of the enterprise can be told will be to give the actual instructions written at the time, and extracts from the official correspondence.

‘ London, January 9th, 1865.

‘ SIR,—

‘ Lieutenant Samuel Barron leaves for Calais to-night, and will report to you in person on board the *Rappahannock* at an early hour to-morrow morning. You will despatch him in charge of all the *Florida’s* men now on board the *Rappahannock* to London,

by the steamer leaving Calais to-morrow night; and you will also send over by the same steamer Lieutenant Bochert, in charge of the men now attached to the *Rappahannock* who have been especially selected for the service for which you have been detailed. Send in the same steamer with the men all the officers detailed for the service (a list of whom you have), except Lieutenant Read. Come over to London yourself, together with Lieutenant Read, by the night mail-boat to-morrow, and report to me in person as soon as possible after your arrival on Wednesday morning. I wish to have a short conversation with you, and to give you final instructions and despatches; and as you will have to proceed at an early hour to Greenhithe, and may have to go on board the steamer in a small boat, you should not be encumbered with luggage, all of which should be sent by the steamer which conveys the principal part of the officers and men. Lieutenant Barron will repeat to you my verbal instructions and explanations, and I need not point out to you how necessary it is to follow without deviation the prescribed arrangement.

‘I am, etc.,

‘(Signed) J. D. BULLOCH.

‘Lieutenant G. S. Shryock,  
‘Confederate States Navy,  
‘Calais.’

Lieutenant Shryock reported to me in London at half-past six a.m. on the 11th January, and after an hour's conversation started to join the *City of Richmond*, with the following letter of instructions prepared for him in advance :—

‘ London, *January 10th*, 1865.

‘ SIR,—

‘ Immediately upon receipt of this you will proceed to Greenhithe, and from thence find your way on board the steam-ship *City of Richmond*, upon reaching which vessel you will report yourself, together with all the officers and men sent from Calais last night, to Lieutenant Hunter Davidson for a passage to join the Confederate States ship *Stonewall*.\* There will be put on board the *City of Richmond* an additional number of men, who formed part of the crew of the late Confederate States ship *Florida*, a list of whom will be handed you by Paymaster Curtis. You will assume direct command of all the officers and men, but for manifest reasons of policy and convenience you will berth and govern your command generally under the directions of Lieutenant Davidson.

‘ When you reach the appointed rendezvous and meet the *Stonewall*, you will report with your command to Captain T. J. Page, and take all further instructions from him. You have a list of the officers of the expedition and the men sent from the *Rappahannock*. Paymaster Curtis will muster all the other men and hand you a list of them. I have a list of all who should be on board, but some may be left behind, and I wish you to instruct the paymaster to make out a correct list of the entire command, officers and men, and send it to me by the pilot, or by Mr. Early, under cover to M. P. Robertson, Esq., Rumford Court, Liverpool. Lieutenant Read will accompany you to join the *Stonewall*, and Passed-Assistant-Surgeons Green and Herty, each of whom will be attached to your command for the purpose

\* *Stonewall* was the name given to the ram when she was commissioned as a Confederate ship.



of joining the *Stonewall*. . . . The *City of Richmond* only awaits your arrival on board to sail, and you will join her at the earliest moment possible on the morning of the 11th January, 1865.

‘ I am, etc.,

‘ (Signed) J. D. BULLOCH.

‘ Lieutenant George S. Shryock,  
‘ Confederate States Navy.’

The following is all that is essential of the letter of instructions to Lieutenant Davidson, and which was dated London, January 10th, 1865 :—

‘ There is unfortunately a possibility that the British authorities may stop the men who are to come from Calais, when they arrive at Gravesend to-morrow morning, in which event Lieutenant W. F. Carter will communicate the fact to both of us at the earliest possible moment, when we must speedily decide what course to pursue. This cannot be finally determined in advance, but the probability is that it would be absolutely necessary for you to sail with the stores and the few seamen who may have joined the ship from London, as your own ship might be compromised by further detention, and the entire expedition be thus broken up.

‘ The *Stonewall*, as you are aware, sailed from Copenhagen on the 6th instant, but a telegram of the 8th informed me that she was then at Elsinore, detained by a heavy snow-storm. Since that date I have had no communication from her, and am doubtful whether she has sailed again or not. In the absence of any news, we must suppose that she did not get away from Elsinore before to-day, that she will require three days to get to Nieuwe Diep, two days for coaling at the latter place, and two days in addition to reach a position in the Channel

opposite the mouth of the Thames. If these surmises are correct, the *Stonewall* will be opposite the mouth of the Thames on the 17th instant, and if not detained here beyond to-morrow, you will have a start of six days. It has been arranged that the *Stonewall* shall make an average speed not to exceed eight knots per hour, and this low speed has been determined upon to allow for adverse weather. By setting off her days' runs on the chart, you will be able to determine the dates upon which she is likely to reach a position off Ushant, and when you may expect her to reach the rendezvous at Belle Isle; but inasmuch as the time of her sailing cannot be absolutely determined, I hope and desire that you will prolong your stay at Belle Isle as much as possible, making it not less than an entire week, if you can do so with safety and hear nothing of your consort. As it is barely possible that the *Stonewall* may get off sooner than we anticipate, and may arrive at Quiberon Bay, Belle Isle, at an earlier date than we have supposed, I think it best for you not to cruise many hours off Ushant. Perhaps you might just lose a night there. When you have remained at, or off, Belle Isle for a week, it has been arranged for you to proceed to the bay of Angra in the island of Terceira, where you will please remain on some reasonable pretence a few days, and then, should you hear nothing of the *Stonewall*, proceed to Bermuda, where I will have letters awaiting you with further advice, and notice of her movements. . . . You know that the United States ship *Niagara* is now at Dover, waiting, I fear, to intercept your ship. I offer no suggestion on this point, because you will know how to give her the slip when you get to sea, far better than I can point out the method to you from the land. . . . I am aware that you are actuated by the same desire for

the success of this expedition as I am, or as any other Southerner can be, and when you have sailed I shall await the result with hopeful confidence.'

The officers and men from the *Rappahannock*, after arrival at Gravesend on the morning of January 11th, were taken on board the *City of Richmond* by Lieutenant W. F. Carter, who was sent to meet them on landing, and Lieutenants Shryock and Read also found their way safely on board, and Davidson put to sea that afternoon, but was forced to seek shelter under Cherbourg breakwater from a heavy gale, which he prudently declined to face in the Bay of Biscay with his small and heavily weighted paddle-steamer. He wrote me from Cherbourg on the 13th :—

'It was indeed most lucky that I determined to come down Channel on the French coast, for the steamer would have suffered on the English side from the heavy sea, besides which, I might have been forced into one of the harbours on that side. Your officers and men are all very manageable, and we get on very well. The chances are now that this part of the expedition is all right.'

The gale which drove Davidson into Cherbourg proved to be one of those prolonged winter tempests which often vex the British Channel at that season, and he did not get away until the 18th. He wrote just at starting to report progress, and said : 'The crew are a splendid-looking set of fellows. We are rather crowded, 125 on board all told, and the men must be somewhat uncomfortable, but we manage very well.' Meanwhile Page was doing his best to get the ram through the Cattégat, in spite of much bad weather and frequent snowstorms.

Carter wrote from Belle Isle on the 25th January,

thus:—‘ We left Nieuwe Diep at noon on the 20th instant, discharged Dutch pilot into a fishing boat off Dungeness on the 21st at 10 a.m., and steamed down Channel with light wind and smooth sea. After passing Ushant on the 23rd and hauling up south-east for the rendezvous, the wind freshened to a gale, and quite a sea right ahead. Strange to say, we shipped only spray, which must be owing to her having lightened forward, with having used coal from forward.’ Coming through the North Sea the little ship was well-nigh smothered, and it was natural that the improved buoyancy should be comforting and satisfactory. It appears from Carter’s letter that with the good weather in the English Channel they were able to make for three days an average speed of nine knots instead of the stipulated eight, and thus recovered some of the loss from detention and head wind.

The meeting of the two vessels at the rendezvous and their departure are thus described by Davidson, in a letter from Funchal, Madeira, dated ‘ February 6th, 1865 ’ :—

‘ I left Cherbourg 18th January, and carried out instructions on the way to Quiberon, where we found a snug anchorage on the 20th, and laid quietly, permitting no communication with the shore until the morning of the 24th at 10 o’clock, when the *Stonewall* hove in sight, to the rapturous delight of all who were in the secret.’

After explaining the reasons why the *Stonewall* did not receive the quantity of coal intended for her, and which should have been sent out from St. Nazaire, he proceeds thus:—

‘ She ’ (the *Stonewall*) ‘ was in a filthy condition, and required more labour to clean her than to get the stores on board and stowed afterwards. The weather

was very bad and wet, too, and prevented us from lying alongside. It was therefore hard to work satisfactorily. However, on the 28th January, early, the barometer rising and the weather promising well, the *Stonewall* and this vessel left the bay and soon ran out of sight of land, going nine and ten knots, for San Miguel. It blew a gale at times, with as heavy a sea as I have ever seen. The *Stonewall* would often ship immense seas, they seeming at times to cover her from knight-heads to taffrail, but yet she never seemed to be injuriously affected by them, but would keep her course very steadily. On the morning of the 30th January, after a most uneasy night, we became separated about five miles, this ship having forged ahead, and being afraid to run off in such a heavy sea. About noon, however, it moderated for a while, and the barometer rising steadily, we kept away and ran down to her, signalling, "How do you do?" Answer, "All right." This was so satisfactory that I signalled "Shall I go on?" Answer, "Am very short of coals, and must make a port, Ferrol." Signalled, "Shall I follow you?" Answer, "Suit your convenience about following."

Davidson then added that the detention of his ship had already caused the loss of one moon for running the blockade, and considering the necessity there was of his getting to Bermuda quickly in order to save the next moon, and considering also that it did not appear necessary to the safety of the enterprise that he should remain any longer in company with the *Stonewall*, he determined to part company, and signalled 'Adieu,' which was answered with 'Many thanks,' and then he says:—"At 1.30 we parted company, and at 3.30 lost sight of her, she still heading the sea to the northward and westward, facing the gale under easy steam, no doubt waiting

for the weather to moderate before running down on the coast of Spain.'

Captain Page also wrote from Isle d'Houat, near Quiberon, giving a full account of his tedious delays and the disappointment he felt at not getting a full supply of coal, but he did not like to wait for the return of the coal-tender from St. Nazaire. He advised me that he had taken charge of the ram on behalf of the Confederate Government, and that M. Arman's agent, who was with him, had complied with all engagements satisfactorily, and was therefore entitled to receive the stipulated commission for his services. The Danish crew were discharged and sent to St. Nazaire, and the ram was chartered and commissioned in due form as the Confederate ship *Stonewall*.

In the heavy weather after leaving Quiberon Bay, the *Stonewall* made a good deal of water, and it was thought that she must have sprung a leak somewhere, but owing to the crowded state of the ship a satisfactory examination could not be made. This apparent defect was an additional reason for making a harbour, and when the gale moderated, Page bore up and ran into Corunna, and the day after arrival there he took the *Stonewall* across the bay to Ferrol, 'where all facilities were politely tendered by the officers of the Naval Arsenal.'

The first advice of the *Stonewall* from Ferrol was without date, but she arrived there about February 2nd, and Page soon began to lighten the ship by discharging some of the heavy weights into 'a good dry hulk,' which the naval authorities had kindly put at his disposal, with the purpose of finding the leak. It appears, however, from his correspondence, that the facilities granted him upon his first application were quickly withdrawn. Writing to me under date of February 7th, he says:—

‘To-day there came off an officer to inform me that in consequence of the protest of the American Minister the permission to repair damages had been suspended, and I must restore the things in the hulk to the ship.’ Page added, however, that the commanding officer told him that his case was under consideration at Madrid, and that he thought all would be right in a few days. In the end permission was given to make all necessary repairs, but many difficulties were met with, the authorities appearing to be very desirous to hurry the ship off, yet not willing to turn her out of port in an incomplete state.

On the 10th February Page wrote that the United States frigate *Niagara*, Captain Thomas Craven, had arrived; and a few days after the United States ship *Sacramento* joined the *Niagara*, and both vessels anchored at Corunna, about nine miles distance, from whence they could watch the *Stonewall*. Their presence, Page said, gave the Spanish authorities much uneasiness. It was now manifest that the *Stonewall*'s movements were known. The two United States ships at Corunna would either attack her when she attempted to leave Ferrol, or they would follow her across the Atlantic. Besides this, advice of her being at sea would be sent to New York, and preparations would be made by the United States naval authorities to give her a warm reception. The leak was discovered to be in consequence of defective construction in the rudder casing, and this, together with other injuries caused by the rough handling the ship had encountered during the tempestuous voyage from Copenhagen, satisfied Page that the repairs would detain her several weeks at Ferrol. He took also into consideration the latest news from America, which appeared to indicate that the South

could not resist much longer. Finally, he determined to go to Paris for consultation, and he directed Carter meanwhile to push on with the repairs. While Page was absent, the *Niagara* and the *Sacramento* ran across the bay from Corunna and anchored at Ferrol. In a letter reporting the incident, Carter said :—

‘ We of course got ready for accidents, and in lighting fires sparks flew from the funnel. In a few minutes a barge from the navy-yard, with an officer of rank, came alongside, asking if we meant to attack the *Niagara*. I replied that we had no such intention, but purposed to defend ourselves from an attempt to repeat the affair at Bahia.\* He said, ‘ This is not Brazil. The Admiral requests that you will let your fires go out, and warns you against any attempt to break the peace.’ Two guard-boats were also stationed near us, and remained there every night while the *Niagara* was in port. However, we kept steam all night, and the chain unshackled, so as to get the ram pointed fair, in case the *Niagara* moved our way.’

It was decided, after consultation with the Confederate Commissioners, that, in spite of the gloomy prospects across the Atlantic, no possible effort that could be made from Europe should be abandoned. Page therefore returned to Ferrol, with the purpose to pursue his enterprise, which, I may just say in brief phrase, was to go to Bermuda, get some additional ordnance stores and a few picked men from the *Florida* waiting there for him, and then attempt to strike a blow at Port Royal, which was then supposed to be the base of General Sherman’s advance through South Carolina.

Vexations delays detained the *Stonewall* at Ferrol

\* This was an allusion to the capture of the *Florida* at Bahia by the United States ship *Wachusett*.



until March 24th, when Page got to sea. The United States ships *Niagara* and *Sacramento* had manifested every purpose to follow and attack the *Stonewall* when she left Ferrol. The *Niagara* was a large, powerful frigate, mounting ten 150-pounder Parrot rifled guns; and the *Sacramento* was a corvette, very heavily armed for her class, the principal pieces being two 11-inch and two 9-inch guns. The *Niagara* was also a ship of great speed, and could easily have kept clear of the *Stonewall's* dangerous beak. The *Stonewall* was protected by  $4\frac{3}{4}$ -inch armour, and mounted one 300-pounder and two 70-pounder Armstrong guns; but she was a small ship and low in the water, and the *Niagara's* battery could have commanded her decks. Page, being quite sure that he would be followed out and attacked as soon as he had passed the line of Spanish jurisdiction, cleared for action before getting under weigh, in full sight of the two United States ships. The upper spars, to the lower masts, were struck and stowed on deck, and the boats were detached from the davits.

In this trim the *Stonewall* steamed out of Ferrol on the morning of March 24th, 1865, accompanied by a large Spanish steam-frigate. At about three miles from the shore the frigate fired a gun, and returned to Ferrol. The *Stonewall* then stood off and on all the remainder of the day, with her colours flying, in plain view of the two United States vessels, which remained at anchor. Carter, in a letter, says:—‘We could see the officers standing in the *Niagara's* tops using spy-glasses.’

At dark the *Stonewall* stood close in to the entrance of the harbour, and then, being satisfied that the enemy did not intend to come out and fight, Page bore away and steamed down the coast to Lisbon, where he arrived

in due course, the *Niagara* arriving about thirty-six hours after him.

Commenting upon the failure of the *Niagara* and *Sacramento* to follow the *Stonewall* and attack her, Page wrote me from Lisbon as follows :—‘ This will doubtless seem as inexplicable to you as it is to me, and to all of us. To suppose that those two heavily armed men-of-war were *afraid* of the *Stonewall* is to me incredible, yet the fact of their conduct was such as I have stated to you. Finding that they declined coming out, there was no course for me but to pursue my voyage.’

Captain Thomas Craven, who commanded the *Niagara*, was not the officer who is mentioned in another chapter as the commander of the United States ship *Tuscarora*, and who had a correspondence with the Governor of Gibraltar in respect to the Confederate ship *Sumter*. Captain Thomas Craven was an elder brother of the latter-named officer. His conduct in making so much parade of a purpose to stop the *Stonewall*, and the subsequent failure to accept her invitation to come out and engage her, was a good deal criticized at the time. I have no means of knowing what explanation of his conduct he made to his own Government, and I should be sorry to repeat any of the gossip of the period which might suggest a slur upon his courage. His reputation in the United States navy, while I held a commission in that service, was such as to place him above any suspicion. He was certainly an able and efficient officer, and I mention the incident with the *Stonewall* as an historical fact, and without the slightest purpose to cast an imputation upon his memory.

At Lisbon Page was made to feel that he was the representative of a losing cause. He was permitted to get a supply of coal, but it was manifest that the

authorities wished him clear of the port. He got away as soon as possible, proceeded to Santa Cruz, in the island of Teneriffe, replenished his fuel there, and thence stood down into the north-east Trades. On April 25th he hauled up for Bermuda, but encountered north-west winds and heavy head swell immediately after leaving the Trade winds, and being in rather short supply of coal, he shaped his course for Nassau, arriving there May 6th. From Nassau he proceeded to Havana.

At the time of Page's arrival at Havana the war was practically at an end. In a few days he learned of General Lee's surrender, and soon after of the capture of Mr. Davis. Manifestly he could now venture upon no offensive operation. The small amount of funds he took from Ferrol was exhausted. Major Helm, the Confederate agent, could do nothing for him in that way. The position was perplexing, and quite exceptional. As a last resource, negotiations were opened with the Cuban authorities for the surrender of the ship to them, if they would advance the money necessary to pay off the crew.

When it was known through a resident merchant that the Captain-General was willing to make the necessary advance and take the ship, Carter was sent to state the requirements and get the money, and his brief report of the interview was as follows :—

‘ After five minutes’ conversation, the Captain-General asked what sum we required. I said “ \$16,000.” He said, ‘ Say \$100,000.’ I replied that my orders were to ask for \$16,000. He then turned to an official at a desk and bid him write, continued asking questions, and when the document was handed to him for perusal, he looked at me again and said, “ Shall we make it

\$50,000 ?" But I obeyed orders, and \$16,000 was ordered to be paid.'

Upon the receipt of the money, Page 'paid off the crew to May 19th, 1865, and delivered the *Stonewall* into the hands of the Captain-General of Cuba.' In July, 1865, she was delivered to the Government of the United States, and the conditions of the surrender are set out in the annexed correspondence between the Spanish Minister at Washington and Mr. Seward, the United States Secretary of State. She was subsequently sold by the United States to the Government of Japan.

It may be thought by those who are inclined to be severely critical that, in the arrangements for despatching the *City of Richmond*, some liberty was taken with the municipal law of England, and that there was some violation of her neutral territory. Scarcely anyone, however, will maintain that the shipment of arms by the steamer was illegal; and the officers and men from Calais were unarmed, in plain clothes, were not above an hour upon English soil, and merely passed across a minute portion of English territory as ordinary travellers. If it is possible to construe those movements as an offence, it cannot be said that her Majesty's Government was in any degree chargeable with neglect, because neither the Customs nor police authorities could have known of the purpose in advance, and could not therefore have made any arrangements to stop it, even if the state of the law would have justified interference.

At Calais, however, the conditions were wholly different. A Confederate man-of-war was lying at that port. She was in a dock near the railway-station, and could be seen by every passenger *en route* from London to Paris in the daily mail trains. Officers in the Confederate uniform walked her quarter-deck, the Confederate

flag was hoisted and struck morning and evening, and all the routine and etiquette was preserved on board of her that is commonly practised in national ships lying in the dockyards of their own countries. Her presence was permitted by the French authorities, and she was *openly* used as a *depôt* ship, because no disguise was possible. Men were collected on board of her and afterwards distributed to the *Florida* and other vessels on previous occasions, and she was used in the same manner to supply the wants of the *Stonewall*. If there was any violation of French neutrality, it was done with the tacit consent of the Imperial authorities, and without greater concealment than is practised in all well regulated business transactions. No information was asked, and none was offered.

The United States urgently pressed at Geneva the charge that Great Britain had been both lax in her neutral duties and partial towards the Confederate States, and commended the rigid exactness of France. The foregoing are some of the facts which may serve to illustrate the true attitude of those two neutral Powers, and may help those who are still interested in the subject to determine the foundation upon which the ‘*Alabama* Claims’ were based.

#### THE SURRENDER OF THE *STONEWALL*.

The following is the text of the correspondence between the United States Government and the Spanish Minister at Washington, in reference to the *Stonewall*:

MR. TASSARA TO MR. SEWARD.

Washington, *July 14th*, 1865.

The undersigned, Minister Plenipotentiary of her Catholic Majesty, has the honour to bring to the knowledge of the honourable the Secretary of State, that, agreeably to official communications which

he has received from Madrid, the order has been given to the Captain-General of Cuba to deliver the war-vessel *Stonewall* to the person whom the Government of the United States may commission, the due formalities intervening. In thus acting, the Government of her Majesty judges that the reasons adduced in the note of the 30th of May last are not sufficient to found the right of revindication which that of the United States believes it has over the fore-mentioned vessel. Animated, nevertheless, by the same noble and loyal sentiments which it has shown during the four years of the war happily terminated in this country, it omits entering into a discussion without object, and the *Stonewall* is placed at the disposal of the Government of the United States. With reference to the security for the expenses to the commander of the *Stonewall* of \$16,000, which sum, having been considered as the sole and special cause of the surrender of the vessel, it is to be believed that the Government of the United States will not refuse to reimburse; it being understood, nevertheless, that this is not a condition for the delivery of the *Stonewall*, which delivery is and must be considered absolutely unconditional. The undersigned avails himself of this occasion to reiterate to the honourable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

To the Hon. the Secretary of State  
of the United States.

MR. SEWARD TO MR. TASSARA.

Department of State, Washington, *July 17th, 1865.*

The undersigned Secretary of State of the United States has the honour to acknowledge the receipt of a note which was addressed to him on the 14th instant by Mr. Tassara, Minister Plenipotentiary to the Queen of Spain. In that note Mr. Tassara informs the undersigned that her Catholic Majesty has ordered that the armed steamer *Stonewall*, which has been the subject of previous correspondence between the two countries, shall be delivered up to the Government of the United States, and that this decision has been made with a waiver of discussion upon the question whether the demand of the United States for the surrender could be maintained upon strict principles of international law. Mr. Tassara has been pleased also to assure the undersigned that the surrender has been ordered on the ground of the mutual good-will which has happily

prevailed between the two countries during the period of the insurrection which has heretofore greatly disturbed the relations of the United States with many of the foreign Powers. The undersigned is still further informed that while Spain will receive from the United States, as they heretofore offered to pay, an indemnity of \$16,000, the amount of the expenses which the Captain-General of Cuba incurred in obtaining possession of the *Stonewall*, yet the surrender is tendered without making it dependent on such reimbursement as a condition. Mr. Tassara's communication has been submitted to the President of the United States, and the undersigned has now the pleasure to inform Mr. Tassara that orders will be promptly given for the bringing away of the *Stonewall* from Havana, and the reimbursement of the sum of \$16,000 to the Spanish Government. It only remains to be added that this Government appreciates equally the promptness, the liberality, and the courtesy which have marked the proceedings of her Catholic Majesty's Government on this interesting subject, and that the proceedings will have a strong tendency to confirm and perpetuate the ancient and traditional friendship of the two nations.

The undersigned avails himself of this occasion to offer Mr. Tassara renewed assurance of his highest consideration.

WILLIAM H. SEWARD.

To Senor Don Gabriel Garcia y Tassara,  
Minister Plenipotentiary, etc.

## CHAPTER III.

Jubilation in the United States at the loss of the *Alabama*.—Admiral Farragut's criticism on the action.—The moral law inoperative in time of war.—The United States and privateering.—United States precedents favourable to the Confederates.—Difficulty of settling the affairs of the *Alabama* and supplying her place.—The *Sea King*, afterwards the *Shenandoah*.—Correspondence respecting the *Shenandoah* and the *Laurel*, with the instructions to the officers concerned.—Smallness of the crew of the *Shenandoah*.—Volunteers from her prizes.—Her cruise amongst the whalers.—Means taken to stop her proceedings at the end of the Civil War.—Her return to Liverpool and delivery to the United States representatives.—Loyalty of the crews of the Confederate cruisers.—Inactivity of the United States Navy.—Summary of the injury done to American commerce by the cruisers.

WHEN the *Alabama's* graceful bends and the supporting timbers were torn and shattered by the great 11-inch shells of the *Kearsarge*, and the famous little craft settled down to the bottom of the English Channel with much gurgling of water through her riven sides, and a great sigh as the wind escaped from her open hatchways, there was much jubilation among 'loyal' Americans. The despatches of Mr. Seward, the reports of Mr. Adams, the exultant congratulations exchanged by members of the United States Consular corps, the comments of the Northern press which immediately followed that sea-fight off Cherbourg when its result was known, appear



to have been out of all proportion to the magnitude of the struggle and the national glory which can be claimed for the victory.

That the merchants of New York and Boston should have proved unable to suppress their exuberant delight, is not perhaps surprising, because a Confederate cruiser roving at will upon the high seas meant loss of trade and high premiums, and her destruction held out a faint promise of relief from loss, and a restoration of commercial profits and prestige. But the excitement was not confined to the mercantile classes, nor was the stimulus to Mr. Seward's acrid temper and pungent pen the only effect. Captain Winslow's achievement aroused the ardour and animated the patriotism of the United States Navy in an extraordinary degree. Even Admiral Farragut, calm as he generally was, and capable of daring and skilful effort, lost for a brief time at least the accurate poise of his judgment, and was so completely aroused by the general enthusiasm as to be entrapped into that popular style of expressing delight at a triumph, which was commonly practised by the majority of the 'Union commanders' and the 'loyal press.' Writing to his son\* on July 20th, 1864, the gallant Admiral says:—

'The victory of the *Kearsarge* over the *Alabama* raised me up. I would sooner have fought that fight than any ever fought on the ocean. Only think! it was fought like a tournament, in full view of thousands of French and English, with a perfect confidence on the part of all but the Union people that we would be whipped. People came from Paris to witness the fight. Why, my poor little good-for-nothing *Hatteras* would have

\* See 'Life and Letters of Admiral D. G. Farragut,' by his son, Loyall Farragut, p. 403.

whipped her (the *Alabama*) in fifteen minutes, but for an unlucky shot in her boiler. She struck the *Alabama* two shots for one while she floated. Winslow had my first-lieutenant of the *Hartford*, Thornton, in the *Kearsarge*. He is as brave as a lion, and as cool as a parson. I go for Winslow's promotion.'

At the date of the above letter the Admiral was lying off Mobile in command of a powerful fleet, composed of fourteen wooden ships and four Monitors, which formed his line of battle in the attack upon the Confederate defences a few days afterwards, and six or eight gunboats besides. He was naturally in a martial and combative humour; but the criticism upon the action off Cherbourg breakwater appears to be rather overdrawn and unprofessional.

As a matter of fact, not a score of people knew from a Confederate source that the engagement would take place, or when, and the 'thousands of French and English' who are said to have witnessed it, must have been either the floating and idle population of a seaport, the majority of whom probably did not know one ship from the other, or they were persons who got their information from the United States Consul, and who were therefore hopeful, if not confident, that the *Kearsarge* would win. There were a few naval officers who went to the best points of observation with the expectation that there would be an opportunity to take some interesting and useful notes; but as the ships steamed away from the land some seven miles\* to get well beyond the 'line of jurisdiction' before the action began, but little of the effect could have been seen. The

\* Captain Winslow says seven miles. The estimate of Semmes and his officers was that the action was fought nine miles from Cherbourg.

allusion to the *Hatteras*, and the hypothetical prediction that she 'would have whipped the *Alabama* in fifteen minutes, but for an unlucky shot in her boiler,' can hardly be considered as a fair—it certainly is not a judicious—professional criticism, the simple facts being that the fire of the Confederate ship reduced her adversary to a sinking state in *less* than *fifteen* minutes, while she herself received so little injury from 'the two shots for one' fired at, but apparently not into her by the *Hatteras*, that she would not have gone into port except for the necessity of landing the prisoners which she picked up out of the water, without leaving a man of them to drown.

Semmes made no pretence of having performed a great naval exploit in sinking the *Hatteras*, and Lieutenant-Commander Blake was in no way disgraced by his defeat; but any fair and competent naval critic will admit that when one ship sinks another in thirteen minutes in a night engagement, and handles her boats so well as to pick up all hands, the feat is creditable to the victor. The *Kearsarge* practised upon the *Alabama* for about one hour and ten minutes, with two 11-inch pivot-guns, two 32-pounders, and a 28-pounder rifled gun, in broad daylight and smooth water, before placing her *hors de combat*; and when the latter ship foundered, so slowly that there was time to get all of her own wounded into a boat, the remainder of her crew would have drowned if it had not been for the fortunate proximity of an English yacht and two French fishing-smacks.

If there was either rhyme or reason in suggesting an hypothesis, I might say that it is far more likely that the *Alabama* would have 'whipped' the *Kearsarge* in fifteen minutes if the 100-pounder shell had exploded

in the latter's stern-post,\* than that the *Hatteras* would have inflicted that punishment upon the *Alabama* if she had not received the 'unlucky shot in her boiler.'

The wreck of the *Alabama* lies at the bottom of the 'silver streak' which separates England and France. The remains of the *Hatteras* are rusting many fathoms down in the briny waters of the Gulf of Mexico. These are the facts which impartial history has already recorded, and no suggestions of what might, could, or should have been can bring those two vessels again to the surface.

It does not appear to have occurred to Admiral Farragut that by depreciating the *Alabama* he was casting ridicule upon the excessive jubilation over the performance of the *Kearsarge*. If his 'poor little good-for-nothing *Hatteras*' could have 'whipped the *Alabama* in fifteen minutes,' it is difficult to perceive the ground for setting so high an estimate upon Winslow's exploit with the *Kearsarge*, seeing that he took about four and a half times as long to effect the same purpose. There are many men whose temperaments are so ardent and whose imaginations are so active, that neither their tongues nor pens can be kept within the limits of a plain story, or a reasonable impartial and judicious criticism; but when a man has had a half-century's experience of naval life, and can say, in the words of an old sea-song—

'For forty long years  
I've ploughed the salt ocean,  
And served my full time  
In a man-of-war ship,'

it is disappointing to find a chance and inconsiderate burst of feeling, which he has accidentally let slip in an

\* See account of the engagement, vol. i., p. 284.

unguarded moment, formally set out in print as his estimate of a sea-fight.

In fact, Captain Winslow appears from the records to have been the only person in the United States who was content to look upon his victory in a moderate and modest temper. It was a spirited and creditable exploit, for which he was justly entitled to commendation, and even to a step in rank, but that it was in any way remarkable, when compared with many other engagements between single ships which are doubtless fresh in the memories of naval men, and others who are familiar with naval history, will hardly be seriously contended.

The exultation produced throughout the United States by the destruction of the *Alabama*, and the vituperative language in which all who were thought to have contributed to her origin and career, either by active effort or by failure to restrain her movements, were denounced, must be regarded as the measure of the menace she was to the safety of American commerce, and the ruin she inflicted upon it, according to the estimate of the interested parties, namely, those who suffered by her so-called depredations. The manifest effect which the appearance upon the sea of a few Confederate cruisers created upon the enemy, and the large additional increase of the war expenditure of the United States which they made necessary, was a justification for the policy of putting them afloat, and was an unintentional, although a very practical, panegyric upon the perseverance, energy, and judgment of their commanders.

The news of the sea-fight off Cherbourg and its unhappy result reached Richmond through the lines of the opposing armies in Virginia before the official report found access through a blockaded port, and Mr. Secretary

Mallory, in a despatch dated Richmond, July 18th, 1864, wrote me as follows :—‘ The loss of the *Alabama* was announced in the Federal papers with all the manifestations of joy which usually usher the news of great national victories, showing that the calculating enemy fully understood and appreciated the importance of her destruction. You must supply her place if possible, a measure which, important in itself, the information conveyed by your letter above referred to renders of paramount importance.’\* In a subsequent despatch on the subject, Mr. Mallory wrote as follows :—‘ The blows of our cruisers have destroyed the foreign trade of the enemy, and given great discouragement to his whale fisheries, the tonnage of which has declined to its limit of 1840, while our naval operations here, including the construction of a few ironclads, have constrained him to add at least a hundred millions to his expenditure to meet them.’

There can be no doubt that the destruction of unarmed and peaceful merchant ships, while quietly pursuing their voyages on the high seas, is a practice not defensible upon the principles of the moral law ; and it does not in these modern times harmonize with the general sentiments of commercial nations. At an early period of the war I found occasion to call the attention of the Secretary of the Navy to the subject, in a despatch treating especially of the anticipated cruises of the *Florida* and *Alabama* ; and in that despatch I reported as follows :—‘ The feeling everywhere in Europe is strongly against the destruction of private property at sea, which cannot always be identified as that of your enemy. The *Harvey Birch*

\* The letter referred to was a report from me in reference to the action of the French Imperial Government withdrawing the permit to build ships in France.

turns out to have been owned (in part at least) by a warm sympathizer with our cause, and the cruise of the *Sumter*, although evincing great energy skill, and tact on the part of Captain Semmes, has resulted in no profit, but, on the contrary, has tended to excite some feeling against us among the commercial classes in Europe.'

The individual members of the Government at Richmond no doubt held opinions on the above subject which were in harmony with the common sentiment of Europe ; and if in matters of State policy, and under pressure of great political convulsions, the application of the moral law could be regulated upon the principles which should be paramount in the personal relations among men, they would have been happy to spare the commerce of the United States, and the peaceful trader would have been left to pursue his commercial voyages without fear or molestation. But no one will pretend that Cabinets and Ministers in their collective capacities can act under the same restraints of conscience or of law as control the conduct of individuals in their personal intercourse with each other ; and when two nations unhappily fall out and go to war, the Government of each does its best to inflict the greatest possible amount of injury upon the other, on the principle that the more burdensome and afflicting the state of war can be made to the opposing party, the more quickly will he consent to terms of peace.

The proposition that Governments cannot, or at least do not, apply the moral law under the restraints which check and control private action, needs only to be stated. No practical man who has read history, or observed the conduct of Governments, will require any demonstration. It was true in Pagan times, when the Romans carried the war into Carthage, and in Christian times, when the

Government at Washington permitted General Sheridan to burn every corn-mill and destroy every blade of corn in the Shenandoah valley because it was supposed to be the granary of the Confederate army, notwithstanding hundreds of women and children were thus left to suffer and well-nigh to starve. It was equally true when the German armies swept up every article of food and every bottle of wine in their victorious march through the 'pleasant land of France.' It had its last exposition in the bombardment of Alexandria by the British fleet; and the distinction between the private interpretation of the moral law and its application by a responsible Government has been expounded by the Right Honourable W. E. Gladstone, the Prime Minister of England, with special reference to the demolition of the Alexandrian forts and the invasion of Egypt by the orders of that Cabinet of which he is the chief, at a time when, according to his own statement, there was no war between the respective countries.

The diplomatic correspondence of the United States during the Civil War teems with denunciatory assaults upon the Confederate Government for attacking their commerce. The *Alabama*, *Florida*, etc., are invariably called 'piratical cruisers,' and their commanders 'pirates.' The destruction of American ships at sea was described by Mr. Seward, Mr. Adams, and the Consuls, as being opposed to the sentiments of 'civilized and commercial nations,' as 'unauthorized acts of violence upon the ocean,' as the indulgence 'of a purely partisan malice,' as 'barbarous acts,' 'malicious and piratical,' etc.

When these fierce denunciations were made current through the Parliamentary Papers which were issued from time to time, the British public began to refresh their historical reminiscences, and they soon learned that



the Confederate States were only conforming to a mode of aggressive warfare invariably practised by the United States themselves in their former wars, and from the discussions and comments which frequently appeared in the daily press, they learned that the Great Powers who took part in what is called 'The Declaration of Paris of 1856,' proposed to abandon the belligerent right of search at sea, and to abolish privateering, but the United States declined to join in the declaration.

In point of fact, the Great Powers in the Declaration of Paris agreed to four propositions, which were in effect as follows :—Free ships should make free goods ; neutral property, except contraband of war, should be free from confiscation when found on board of an enemy's ship ; privateering should be abolished, and efficiency should be necessary in order to legalize a blockade. The United States were invited to assent to the foregoing propositions, but declined to accept the abolition of privateering unless the Powers would agree to a further stipulation excepting all private property from capture on the high seas. The counter-proposal of the United States was not acted upon.

At a very early date after the beginning of the Civil War, the Government at Washington reopened negotiations with her Majesty's Government with reference to the foregoing propositions, and proposed to accept them unconditionally. The United States would not agree to the abolition of privateering when it was first proposed, unless they could secure all private property from the liability to capture on the high seas by national men-of-war as well by private cruisers. This was an intelligible course at the time, because the United States had a very small navy, but had facilities for covering the sea with privateers, and if the right to employ them was

surrendered, they would be at a great disadvantage in a war with one of the great naval Powers, and it was reasonable that they should claim the exemption of private property from capture as a counterpoise. When, however, the Civil War began, the United States perceived the danger to their own commerce from possible Confederate privateers, and knowing that their own regular naval force was greater than any the Confederacy would be able to oppose to it, they were willing to join in the Declaration of Paris, pure and simple; but the negotiations did not come to any definite result.

The British public learned the foregoing facts, and they learned also that during the American War of Independence, and to a much greater extent during the war of 1812-15, the cruisers of the United States were repeatedly and specifically ordered to destroy British merchant ships at sea, and not attempt to bring them into port. In face of these facts, which the over-astute diplomacy of Mr. Seward either suppressed or at least ignored, the European sentiment in respect to the action of the Confederate Government was gradually modified, until at last public opinion settled down to the very general belief that the United States had no sort of justification for their complaints and denunciations, and that, as between the two belligerents, the Confederates were practising a perfectly lawful and justifiable mode of harassing their enemy, and adding to the cost and burden of the war which was being waged against them, and the violent interference with their claim to self-government.

It is generally known that some months after the end of the war, the late Admiral Semmes, although a paroled prisoner, was arrested at his house in Mobile, and carried to Washington, under military guard. He was held in

confinement there for some time, and the purpose was to institute criminal proceedings against him with reference to his acts while in command of the *Sumter* and *Alabama*. The civil authorities at Washington seemed very desirous to discover a plea by which they might sustain the charge of piracy so often hurled at him during his cruises, but they happily perceived in time the wickedness of such a proceeding, and they caught a glimpse of the ridicule and contempt it would have aroused in Europe, and the purpose was abandoned.

About that time, Mr. John A. Bolles, the Solicitor to the Navy Department of the United States, published an article in the *Atlantic Monthly*, under the title of 'Why Semmes of the *Alabama* was not tried.' Mr. Bolles cites Cooper's 'Naval History' to prove that during the 'Revolutionary War' many British vessels were captured by Colonial cruisers and destroyed at sea. Referring to the history and policy of the United States during the war with England, commonly called the 'War of 1812,' he says:—'Not less than seventy-four British merchantmen were captured, and destroyed as soon as captured, under express instructions from the Navy Department, and in pursuance of a deliberate purpose and plan, without any attempt or intent to send or bring them in as prizes for adjudication. The orders of the Department upon this subject are numerous, emphatic, and carefully prepared. They deserve to be studied and remembered, and they effectually silence all American right or disposition to complain of Semmes for having imitated our example in obedience to similar orders from the Secretary of the Confederate Navy.'

Mr. Bolles gives copious extracts from the orders issued to Captains Charles Stewart of the *Constitution* and Charles Morris of the *Congress*, to Commandants

Blakely, Warrington, Parker, Creighton, and other officers in command of United States ships. A few will answer the present purpose.

‘The great object,’ says one of the orders, ‘is the destruction of the commerce of the enemy, and the bringing into port the prisoners, in order to exchange against our unfortunate countrymen who may fall into his hands. You will therefore man no prize unless the value, place of capture, and other favourable circumstances shall render safe arrival morally certain. You will not agree to the ransoming of any prize,’ etc. Another says:—‘You will, therefore, unless in some extraordinary cases that shall clearly warrant an exception, destroy all you capture; and by thus retaining your crew and continuing your cruise, your services may be enhanced ten-fold.’ Again:—‘Your own sound judgment and observation will sufficiently demonstrate to you how extremely precarious and injurious is the attempt to send in a prize, unless taken very near a friendly port and under the most favourable circumstances. . . . Policy, interest, and duty combine to dictate the destruction of all captures, with the above exceptions.’

One of the extracts contained in Mr. Bolles’ article is strikingly pertinent. It is as follows:—‘A single cruiser, if ever so successful, can man but a few prizes, and every prize is a diminution of her force; but a single cruiser destroying every captured vessel has the capacity of continuing, in full vigour, her destructive power so long as her provisions and stores can be replenished, either from friendly ports or from the vessels captured. . . . Thus has a single cruiser, upon the *destructive plan*, the power perhaps of twenty acting upon pecuniary views alone . . . and thus may the employment of our small force in some degree compensate for the great

inequality (of our force) compared with that of the enemy.'

Mr. Bolles comments upon the policy of the United States, and the orders issued to their men-of-war, in the following words:—'Such were the policy and the orders of President Madison and of the Secretary of the Navy in 1812, 1813, 1814; and such, beyond question, would be the plan and the instructions of any Administration under the circumstances.'

The foregoing extracts, taken from among those cited by Mr. Bolles, clearly indicate the policy of the United States when they were at war with Great Britain.\* That policy was most deliberate and determined, and the orders were explicit to destroy—destroy—destroy. In comparing the practice of the United States in 1812-15 with that of the Confederate States in 1862-65, it is important to consider the difference between the two Governments in respect to the possession of open ports. Great Britain was never able to keep a blockading force at all points of the American coast, and there were a good many ports to which there was easy access at all times.

With the Confederacy the position was very different. There are, to begin with, very few deep-water ports along the coast-line of the Southern States, into which large prizes could have been taken, and those soon fell into possession of the United States forces, or were effectively sealed against entry except by swift steamers especially designed for blockade-running. The United States therefore adopted as a deliberate policy the practice of destroying their prizes, whereas the Confederate States

\* Copious extracts from Mr. Bolles' article appear in Sir A. Cockburn's review of the Geneva Arbitration, and the above extracts are taken from that source.

were compelled to permit the destruction of captures by their cruisers because there were no home ports to which they could have been taken. I can state without hesitation or reserve that the destruction of prizes by the *Alabama* and other Confederate cruisers was not 'in pursuance of a deliberate purpose or plan.' Captain Semmes sent nearly all of the prizes made at the beginning of his cruise in the *Sumter* into neutral ports—for example, into Cienfuegos, on the south side of Cuba—and he addressed several clear and ably written appeals to the authorities at that and other places for permission to leave the captured vessels, as it were, in safe deposit, and in the interest of whoever it might concern, until they could be properly adjudicated. His object, and that of the Confederate Government, was to give neutrals who might have property on board the prizes the opportunity to prove their title, and thus to escape from the consequences of their own indiscretion in shipping their goods under a belligerent flag. The neutral Powers were unanimous in excluding prizes from their ports on any plea, and thus every expedient by which the immediate destruction of captured vessels might have been avoided was prohibited to the commanders of the Confederate cruisers, and they were compelled to burn or scuttle the enemy's ships on the high seas, often much to their regret.

Copies of the orders issued to the captains of the United States ships during the war with Great Britain were accessible to Mr. Seward, and the 'deliberate purpose and plan' pursued by the Government of the United States in reference to the destruction of British ships must have been known to him; but he manifested his characteristic hardihood in wilfully discarding or ignoring every precedent which could be alleged against

his own claims and pretensions, or which could be urged in justification of his opponents. The brusque disingenuous diplomacy of Mr. Seward often did more to arouse sympathy for the South, and toleration for the acts of the Confederate Government, than any amount of argument in their favour could have effected, and when the British public saw the commotion which the *Alabama* and her consorts created, and were reminded that those vessels were precisely, though reluctantly, following the example of the United States in their wars with Great Britain, there was a perceptible change in the tone of feeling, and John Bull, that is to say, the ordinary unofficial Britisher, rather enjoyed the idea of Brother Jonathan being metaphorically 'hoist with his own petard.'

With the foregoing facts patent to all who have cared to search the records, no apology for the determination of the Confederate Government to strike at the commerce of the United States is necessary, and when the specific orders to replace the *Alabama*, quoted above, reached England, I was already looking up a suitable vessel and arranging the 'ways and means,' under the general discretionary powers conferred upon me in the original instructions.

The despatch of a vessel from England suitable in size, structure, and sailing qualities to keep the sea as a cruiser involved a twofold expense, and two entirely separate sets of arrangements. The proposed cruiser must of necessity dispense with every vestige or similitude of warlike equipment, and it was equally indispensable to keep the crew and the general outfit within the reasonable requirements of the alleged voyage. It was therefore necessary to provide a second ship, to carry the armament, extra stores, officers, and as many additional

men as could be safely embarked, to a place of rendezvous. The supply-ship must be loaded in a different port from the cruiser, and there must be a reasonable and rational consistency in the business arrangements for her outward voyage, so that the type of vessel and cargo might be conformable to the requirements of her alleged port of destination.

After the despatch of the *Alabama* and *Florida*, it became manifest that no vessel especially constructed for war could be got out of a British port. It has been shown in a previous chapter that her Majesty's Foreign Secretary had so far yielded to the pressure put upon him by the United States Minister that he would, and often did, order the detention of even merchant steamers manifestly unsuited to war-like purposes, if the United States Consul at the port of loading lodged a complaint against her, or sent in to the Collector of Customs an affidavit that 'he had reason to believe the vessel in question was intended to be converted into a Confederate cruiser.'

The closeness with which the building-yards were watched, and the secret system of inspecting ships loading at the ports for foreign voyages which the United States Consuls had established, was well known; and long before the loss of the *Alabama* I had reported to the Navy Department my conviction that a further expenditure in building or buying vessels especially constructed for war would be a useless waste of money, as it was manifest to me that no such craft would be permitted to leave a British port unless her Majesty's Government was satisfied that she was the property of a neutral State, whose Government would assume the responsibility of her movements. The Navy Department had adopted the above view, and the Government



at Richmond, reluctantly abandoning the hope of obtaining in Europe vessels fit to act offensively against the harbours on the Northern coast and in opening the blockade, had determined at or about the time of the *Alabama's* loss to apply the whole of the resources of the Treasury in purchasing military and other necessary supplies, and in building steamers suitable in speed and structure to run the blockade, and for making short maritime raids along the Northern coast. Such vessels were then in course of building, under the arrangements General Colin McRae, the fiscal agent of the Treasury, was able to make, as stated in another chapter ; but the arrangements were made at such a late period of the war, that the best class of ships, those best suited for dashing out of the blockaded ports and practising a 'guerilla warfare' on the enemy's coast-line, were not completed in time to take an active part in the war. The Secretary of the Navy did not, however, at any time wholly abandon the purpose of keeping a few cruisers at sea. He had specifically instructed me to supply, whenever the state of the funds would admit, any vacancy in the number, and had directed my especial attention to the American whaling fleet in the North Pacific.

The first effect of the *Alabama's* destruction was rather to add to the immediate drain upon the resources of the Navy Department, because her officers and crew lost everything, and it was necessary to re-supply them. Besides which, the men had been a long time at sea, and, happily for them, had a good deal of pay due. Then, also, there were rescued and wounded men at Cherbourg and elsewhere who had to be looked after, and even the poor fellows who had given their lives for the defence of the Confederate flag had relatives, and their claims were legacies which could not be suffered to remain unsettled.

The winding-up of the *Alabama's* affairs involved some complications, and the expense was far greater than if she had been the property of a recognised Government, with diplomatic and consular agents to come forward with their official authority and prestige, and to make open provision for all necessities. It was not possible to collect the *Alabama's* crew in one place, or to bring them together at one time, lest it should be charged that we were making preparations for a warlike expedition ; and even in such works of mercy as relieving the shipwrecked and distressed, it was necessary to practise a certain amount of mystery and concealment, and to use intermediaries, which added both to the cost and delay of the settlement.

In the ordinary course of events, and from the regular prearranged appropriation of funds, there would not have been sufficient money in hand to fit out a fresh expedition. The 'depositories' of the Confederate Treasury were then, as at most times, overweighted with liabilities on behalf of the Government ; and although there was a moderate balance in their hands on account of the Navy Department, yet in the aggregate they were under great advances, and the remittances in cotton and other produce came forward with less and less rapidity and regularity, in consequence of the increasing stringency of the blockade. There was, however, an unexpected contribution to the available assets of the Navy Department about two months after the loss of the *Alabama*, by reason of the forced sale of the English rams by Messrs. Bravay ; and after consulting the special fiscal agent of the Treasury as to his ability to furnish the funds for the large contracts which were then open, and for which he had been directed to supply the means, it was determined to use as much of the pro-

ceeds of the above-mentioned sale as might be required for the despatch of another naval adventure, and I took active steps without further delay to select and equip the necessary ships.

The ordinary iron screw-steamers of commerce, as far back as 1864, were in almost every essential particular unfit for our purposes. They were constructed almost exclusively for steaming, had no arrangement for lifting their screws, and were masted only with the purpose to furnish auxiliary sailing-power as a partial relief to the engines, and for economy of fuel in fair winds.

The reasons why a Confederate cruiser should have full sailing as well as steaming-power have been already explained; and those combined requirements were especially necessary in a vessel it was the purpose to send after the American whaling fleet in the distant North Pacific and Sea of Okhotsk. The necessities of our position greatly narrowed the field for selection, and it was only through a fortunate chance that a suitable vessel was found. In the autumn of 1863 I went to the Clyde to look up a steamer (the *Coquette*) for a special purpose, mentioned in another chapter. Lieutenant Robert R. Carter was with me, and in the course of our search we caught sight of a fine, composite, full-rigged ship, with something more than auxiliary steam-power, and all the necessary arrangements for disconnecting and lifting her screw. We were charmed with the ship, but could only make a very hasty and imperfect inspection of her, as she was in all the bustle of loading for her first foreign voyage. I took, however, a careful note of her, and learned that she was then bound for Bombay, and would return to England in due course, probably in eight to ten months.

As soon as the 'ways and means' to fit out the con-

templated expedition were provided, I sent an experienced broker to scour the Clyde and the principal shipping ports, and he was so fortunate as to fall upon the very screw-steamer I had seen at Glasgow ten months before. He reported at once by telegraph, and posted a letter the same day, advising me that the ship had just been discharged, was then entirely empty, and could thus be thoroughly inspected, but that she was already under partial engagement for another voyage, and if I wanted to secure her no time was to be lost. Having perfect confidence in my broker, I telegraphed him to buy after careful inspection. The despatch of the Secretary of the Navy (dated July 18th, 1864) quoted above, which contained the urgent precept to replace the *Alabama* if possible, reached me on the 30th of August, and replying from Liverpool under date of September 16th, 1864, I wrote on that subject as follows :—

‘ I have the satisfaction to inform you of the purchase of a fine composite ship, built for the Bombay trade, and just returned to London from her first voyage. She is 1160 tons builder’s measurement, classed A 1 for 14 years at Lloyd’s, frames, beams, etc., of iron, but planked from keel to gunwale with East India teak. She is full-rigged as a ship, with rolling topsails, has plenty of accommodation for officers of all grades, and her “ ’tween decks ” are 7 feet 6 inches high, with large air-ports, having been fitted under Government inspection for the transport of troops. Her engines are direct acting, with two cylinders 47 inches in diameter and 2 feet 9 inches stroke, with ample grate and heating surface, nominal horse-power 220, but indicating 850 horse-power, and she has a lifting screw. My broker has had her carefully examined by one of Lloyd’s inspectors, who pronounces her a capital ship in every respect, and from

whose report I have extracted the above items. Yesterday she went into a graving-dock to have her bottom examined and the screw-shaft carefully inspected, and the report on both these points is favourable. The log of the ship shows her to be a fast sailer under canvas, for with screw up she has made 330 miles in twenty-four hours by observation. You will be gratified to learn of this good fortune in finding a ship so admirably suited to our purpose, and I will only now assure you that no effort will be spared, and no precaution neglected, which may help to get her under our flag. You may rely upon it that the purchase of men-of-war from any of the European navies is not practicable under existing circumstances.'

The vessel referred to in the foregoing extract was perhaps the only ship of her type and class in Great Britain, and her comely proportions and peculiarities of structure could not fail to make her an object of interest and attraction in the London Docks. Her fitness for conversion into a cruiser would be manifest at a glance, and I felt confident that the spies of the United States Consul would soon draw his attention to her, and that she would be keenly and suspiciously watched.

I knew that to set my foot upon her deck, or to be reported at any time within visual range of her, would be the immediate occasion of a consular report to Mr. Adams, which would be promptly forwarded to Earl Russell, with the customary affirmation, and the hope of getting the ship to sea as a Confederate cruiser would be nipped in the bud. I felt equally certain that any alteration of her internal arrangements or the addition of any fittings or furniture to her cabins, not in harmony with her mercantile character, and not required for her return voyage to Bombay, would cause inquiry ; it

would be discovered that she had not been taken up by the Government for the transport of troops, and the inference would be that she was preparing for 'piratical depredations upon the commerce of a friendly Power.' It was absolutely necessary to permit no one having the faintest odour of 'rebellion' about him to go near her. She must be provided with an owner who would be willing to sell her again at an out-port, and who could be trusted to see that the essentials for her alleged voyage would be provided, and that all requirements of the law would be complied with.

In matters of business, and in the preparation of an important enterprise especially, it is more satisfactory to superintend the arrangements in person, and to inspect their progress with one's own vision, than to behold them through the eye of faith; but the necessities of our position compelled all Confederate agents to trust often to the fidelity and judgment of intermediaries, and I can say in my own case that although I sometimes suffered by the mistakes, and once or twice through the over-zealous effort of a deputy, I was never deceived nor betrayed. Every man in England who undertook to perform a service for the Confederate States under engagement with me did his work with scrupulous honesty. The gentleman who acted for me in the purchase of the above-mentioned ship bought her in his own name, ballasted her with coal, and had her cleared out for Bombay, giving the captain a power-of-attorney to sell her at any time after leaving London. For this service he declined to receive any remuneration whatever, and I promised that when she received her Confederate crew and armament, no prize should be captured until the captain who took her out had been allowed sufficient time to return to England and cancel the register.

The ship for the contemplated cruise being thus secured, it was necessary to get a tender, or supply vessel, for her as quickly as possible. I was advised by my broker to examine a new iron screw-steamer built for, and then employed in, the packet service between Liverpool and Ireland. With that purpose I made a short passage in her. She was strong, roomy, a good sea-boat, and steamed thirteen knots per hour during the run. Her draft of water was moderate, and as all those qualities in combination suited her for blockade-running, I perceived a probability of making her earn her own expenses, or perhaps even recoup the cost of her purchase.

The steamer referred to was called the *Laurel*. She was bought, and put in the hands of a shipping agent in Liverpool, who advertised her for a voyage to Havana, to take freight and a limited number of passengers. The shipping agent was informed in advance what amount of freight and how many passengers would be forthcoming, and being a clever business man, he had no difficulty in declining proposals from other sources without exciting suspicion. The freight, of course, consisted of the stores and armament for the cruiser, and the passengers were the officers and a few choice men for her. To allay all suspicion, bills of lading were issued in the ordinary way, passage-money was paid, and tickets were issued for the passengers under assumed names, so that the clerks in the office of the ship's agent would perceive that everything was going on in the ordinary course of their business. The passengers were, however, kept out of sight, and only appeared on the night when a tug was ready at the Prince's Landing-stage to take them on board the *Laurel*.

On the 28th of September, 1864, Lieutenant R. R. Carter arrived in Liverpool direct from Richmond. I had requested the Secretary of the Navy to send him out for special service with me as soon as he could be spared from the *Coquette*, and his arrival was a gratifying response to my application. Carter had mentioned to the Secretary of the Navy the handsome and handy ship we had seen at Glasgow in the autumn of 1863, and among the instructions and suggestions he brought me from the Navy Department was a proposition to get, if possible, the ship, and send her after the American whaling-fleet.

Carter and Commander John M. Brooke had served together as lieutenants in a scientific expedition, which had been sent out by the United States Navy Department some years before the war, and the course of the cruise had taken them over the routes and localities frequented by the whalers. Those officers had discussed the subject with the Secretary of the Navy before Carter left Richmond, and he had been instructed to furnish me with all necessary information verbally. I had obtained from Commander M. F. Maury a set of the 'Whale Charts' published in connection with his 'Physical Geography of the Sea,' and it was my purpose to compile from them a memorandum for the information and guidance of the commander of the proposed expedition; but Carter's personal experiences, refreshed by his consultations with Brooke, were a better source of information than my theoretical researches could have supplied, and while I was occupied with the details of the outfit, he took the cruising directions in hand and prepared a clear and able paper on the periodical localities of the whaling fleet, which was included in the general instructions to Lieutenant-Commanding Waddell, and which he followed to such good purpose that, in the terms of



a letter from himself, he 'succeeded in destroying or dispersing the New England whaling fleet.'

On the 5th of October, 1864, both vessels were ready for sea. The London ship was directed to sail as early as possible on the morning of the 8th, and as soon as her departure was reported by telegraph, the *Laurel* was taken into the Mersey, and at about eight o'clock in the evening of that same day the passengers to go in her quietly assembled on the Prince's Landing-stage, and a tug in waiting took them to her, and she proceeded at once to sea.

The account of the purchase and despatch of the two vessels having now been given in general terms, the most important and the most interesting details cannot be explained in a more brief and satisfactory manner than in the subjoined extracts from the official reports forwarded to Richmond at the time, and from the subsequent correspondence.

Under date of October 20th, 1864, I reported to the Secretary of the Navy as follows :—

'I have the great satisfaction of reporting the safe departure on the 8th instant of the ship described in my despatch of September 16th, and now that the entire expedition is far away at sea, beyond the reach of interference on the part of any United States authority in Europe, I may venture to furnish detailed information. The cruising ship was formerly the *Sea King*, the very vessel, it appears, that Lieutenant Carter suggested to you in Richmond, and it is an interesting coincidence, that while you were discussing her merits and fitness for conversion into a cruiser, I was negotiating for her purchase at this distance from you. The tender, or supply-vessel, is the screw-steamer *Laurel*, which I was compelled to purchase for the special purpose. She is,

however, a fine fast vessel, and if Lieutenant Ramsay gets her into Wilmington or Charleston, you will find her very useful. I enclose herewith my letters of instructions to Lieutenant-Commanding Waddell, and to Lieutenants Whittle and Ramsay, and also a list of the officers. The letters above referred to will inform you how the two vessels were despatched, and I need only say that the arrangements combined most satisfactorily, and that the two vessels sailed, the *Sea King* from London, and the *Laurel* from Liverpool, within a few hours of each other.

‘ I heard from the *Sea King* off Deal. Everything was in fine condition, and she was making twelve and a half knots, under steam and fore-and-aft sails. Lieutenant Ramsay sent me a line or two from the pilot-station off Holyhead to say that not a single package had been left behind, and that the *Laurel*, though deep, had averaged over eleven knots since leaving the Mersey. The battery for the *Sea King* consists of four 55 cwt. 8-inch smooth-bore guns, and two Whitworth 32-pounders, besides which, she has two small 12-pounders, which originally belonged to her. . . . In spite of every precaution, the Federal spies appear to have discovered that something was in progress, and Mr. Adams had the United States ships *Niagara* and *Sacramento* off the mouth of the Thames, but they failed to identify our ship. However, a few days after the departure of the *Sea King* they were reported to have overhauled and detained for some time a peaceful Spanish steamer that had just left the Thames.

‘ The British Government will scarcely give our public ships common shelter, and we cannot send an unarmed vessel in the direction of North America without embarrassing and annoying inquiries from the

Customs and Board of Trade officials. But United States ships-of-war are permitted to lie in English ports and watch British ships, as in the case of the *Georgia*, previously reported, and are allowed to cruise and overhaul neutral ships off the largest port of the kingdom, and in waters which were once considered exclusively British.'

The letters of instructions enclosed in the foregoing were as follows :—

No. 1, to Lieutenant Whittle, dated October 6th, 1864:—'You will proceed to London by the 5 p.m. train to-day, and go to Wood's Hotel, Furnival's Inn, High Holborn. Take a room there, and give your name as Mr. W. C. Brown, if asked. It has been arranged for you to be in the coffee-room of the hotel at 11 a.m. precisely to-morrow, and that you will sit in a prominent position, with a white pocket-handkerchief rove through a button-hole of your coat, and a newspaper in your hand. In that attitude you will be recognised by Mr. —, who will call at the appointed time, and ask you if your name is Brown. You will say "Yes," and ask his name. He will give it, and you will then retire with him to your own room, hand him the enclosed letter of introduction, and throwing off all disguise, discuss with him freely the business in hand. Mr. — will introduce you to Captain Corbett, with whom you are to take passage to Madeira, and you will arrange with him how to get on board without attracting notice. Say to Captain Corbett that I regret not seeing him, but it has been thought best for me not to go to London, as I am so well known there, and tell him that I have full confidence in his desire to serve us, and will be happy to make the warmest acknowledgments when he returns. Say that I desire him to carry

you to Madeira, and explain how he is to communicate with the *Laurel*. . . . It is important that the *Sea King* should not be reported, and you will request Captain Corbett not to exchange signals with passing ships, or at any rate not to show his number. The object of your going out in the *Sea King* is to acquaint yourself with her sailing and other qualities, and to observe the crew. You can also inspect the internal arrangements, and discuss with Captain Corbett the necessary alterations; and you can learn the stowage of the provisions and other stores, and pick out the positions for magazine and shell-room. Perhaps the construction of these might be actually begun under the superintendence of Captain Corbett. You will bear in mind that until she is regularly transferred, Captain Corbett is the legal commander of the *Sea King*, and for obvious reasons of policy, as well as from courtesy, you will express all your wishes in the form of requests. When you reach Madeira and the *Laurel* joins company, you will report to Lieutenant-Commanding Waddell, and thereafter act under his instructions.'

No. 2, to Lieutenant J. F. Ramsay, dated October 8th, 1864:—' You will proceed to sea to-night in command of the steamship *Laurel*, and carry Lieutenant-Commanding James I. Waddell, his staff of officers, and the other passengers of whom you have been advised, to Funchal, in the island of Madeira, with quick despatch. At Funchal you will hasten to take on board as large a supply of coal as you may consider safe, bearing in mind that you may have to steam for twenty days. The *Sea King*, Captain Corbett, has sailed from London this morning, and her commander has been instructed to time his passage so as not to arrive off Funchal until the 17th instant, by which time it is hoped you will

have coaled up, and will be ready to weigh at a moment's notice. The *Sea King* will not anchor at Funchal, but will merely appear off the roadstead, and by way of designation will hoist the official number of the *Laurel*, which you will answer with the same number, and then weigh and join her as quickly as possible. In communicating afterwards with the *Sea King* you will be governed by the directions of Lieutenant-Commanding Waddell, and you will render him all the assistance in your power in transferring the supplies from the *Laurel* to the *Sea King*, and if the transfer cannot be accomplished near Madeira, by reason of stress of weather, or from any other cause, you will proceed with him to the second rendezvous. Your experience as a seaman and your acquaintance with business \* will enable you to assist very materially in making the transfer and in treating with the men for their entry into the service of the Confederate States, and your zeal and interest in the success of the expedition are confidently relied upon. When the transfer is completed, and Lieutenant-Commanding Waddell can dispense with your further services, you will proceed to Nassau, New Providence, observing great precaution in approaching Eleuthera from the north-east. You might sight the island from your mast-head during the day, but it would be safer to lie off to the eastward, and time your movements so to get in with the land after dark, and run down close to the bank, arriving off Nassau by daylight.† . . . As

\* Although Lieutenant Ramsay held a commission in the Confederate navy, he had been several years in the merchant service, and he had a Board of Trade certificate of competency as master, and was, therefore, eligible for the command of a British merchant ship.'

† The precaution was thought necessary on account of the *quasi* blockade of the Bahama Channels and of Nassau by United States ships.

soon as you arrive at Nassau you will communicate with Mr. L. Heyleger, and show him this letter, which will serve as an introduction. Mr. Heyleger will be able to give you the latest news from the Confederate States, and you will consult freely with him in reference to the propriety of taking your ship in. If you are satisfied with the speed of the ship, take her in by all means, as a voyage through the blockade would establish a new character for her, and would obliterate the traces of her past history, inasmuch as her name and nationality could both be changed. This matter, however, I must of necessity leave to your discretion, after consultation with Mr. Heyleger. Should you reach a Confederate port, report yourself at once by letter to the Secretary of the Navy, and as my report of the expedition may not have reached the Department, send him a copy of this letter. Say to the Hon. Secretary of the Navy that I respectfully request him to send you out as soon as possible, to take command of one of the Government blockade-runners now approaching completion. If after consultation with Mr. Heyleger it is thought best not to attempt the voyage inward, load with Government cotton and return to Liverpool or Havre, as you may be hereafter advised. . . . Do not let yourself be known as a Confederate officer, except to Mr. Heyleger, and while at Madeira allow no communication with the shore, except through yourself, and do not show your number to any passing ship. I wish all the men who join the Confederate service to sign a "quit claim" for both the *Sea King* and *Laurel* for an expressed consideration, and you will advise Lieutenant-Commanding Waddell how this is to be done. Write me fully from Nassau under cover to M. P. Robertson, Esq.'

The instructions to Lieutenant-Commanding Waddell

were rather in the form of an advisory letter than specific orders, except in respect to the purpose and direction of his cruise. My experience with the *Alabama* and other expeditions which were necessarily organized at out-of-the-way places, where there was no dockyard accommodation or facilities, had satisfied me that it was useless to lay down a rigid rule of action. Conditions of weather and other causes might render it impossible to equip the cruising ship at the first rendezvous selected, and it would therefore be necessary to seek another, and many other contingencies might arise which could only be met by the ready wit of the officer in charge, or that happy inspiration which rarely fails the right-minded man who is earnestly intent upon doing his duty, whatever difficulties he may encounter.

The transfer of the armament and stores of the *Sea King* was happily and successfully effected in the near neighbourhood of the first rendezvous selected, and neither the interest nor the clearness of the narrative will be lessened by omitting those portions of the letter to Lieutenant-Commanding Waddell which were merely descriptive and advisory, or merely confidential as between ourselves. The essential portions of the above-mentioned letter of advice and instruction, which was dated October 5th, 1864, were as follows :—

‘ You will sail from this port (Liverpool) on Saturday, the 8th instant, in the screw-steamer *Laurel*, under the command of First-Lieutenant J. F. Ramsay, taking with you all the officers detailed for your command except First-Lieutenant Whittle, who will take passage in the ship with Captain Corbett, with the view of learning her qualities and devising the best and speediest manner of making such alterations and additions in her internal arrangements as may be necessary, and to observe the

character and disposition of the crew. A few picked men selected from the crew of the late Confederate States ship *Alabama*, who have been especially retained for the purpose, will accompany you in the *Laurel*, and will constitute the *nucleus* of the new force you will have to organize at the place of rendezvous. Among those men is the chief boatswain's-mate of the *Alabama*, a fine seaman and an experienced man-of-war's man. I advise you to give him an appointment as acting-boatswain as soon as you get out of the Channel, and to explain to him the intent of your leaving England. He will assist you materially in persuading the men of Captain Corbett's ship to enlist. I would not, however, mention the *direction* of your intended cruise to him.

‘Lieutenant Ramsay will be directed to proceed with quick despatch to Funchal, and to coal up the *Laurel* as speedily as the facilities of that anchorage will admit. For obvious reasons, there should be as little communication with the shore as possible, and none of the officers or men should be allowed to land. Indeed, I may say here that every precaution should be practised to prevent the direction or intent of your voyage being known. When the *Laurel* returns, or even reaches Nassau, everything will be exposed; but then you will be far on your cruise, and beyond the reach of interference. The main object of the *Laurel's* voyage being to place you and your officers, with the men above mentioned and the naval stores, on board the cruising ship, and to attend upon you until you are fairly in possession, Lieutenant Ramsay will be ordered to govern the movements of that ship in accordance with your wishes, and he will only proceed to carry out his special instructions when you no longer need his assistance.

‘When Captain Corbett appears off Funchal and his



signal is recognised, you will join him with the *Laurel*, communicate with him and Lieutenant Whittle, and discuss the further steps necessary to transfer the supplies from the tender to your own ship, which you will christen *Shenandoah*. The quantity of stores is not large, and the heaviest weight, in a single piece, will be less than three tons. . . . It is possible that the weather may be fine and calm, in which case you could lash the two vessels alongside of each other; and by steaming slowly ahead with one, so as to tow the other, and keeping well under the lee of the island, the transfer may be effected without the delay and risk of seeking another anchorage. . . . Some tact will be necessary in dealing with the men and persuading them to ship; but you will be greatly assisted by the influence of the *Alabama's* men, who are ready and willing to serve. Immediately upon leaving Funchal, I would move them all on board the *Shenandoah*. . . . It is necessary to bear in mind that Captain Corbett is the legal commander of the *Shenandoah* (*Sea King*) until he formally transfers her to you, and all action in regard to the ship and her crew should be conducted through him or with his co-operation.

‘In regard to pay, it is quite impossible for you to conform precisely to the law regulating the pay of the navy. . . . Seamen, so far as our service is concerned, are merchantable articles, with a market value, and you must either pay the price demanded or dispense with their services. I am satisfied, therefore, that if in the exercise of your discretion you deem it necessary to go beyond the established pay allowance, the Navy Department will take the steps necessary to legalize your act. . . .

‘When the *Shenandoah* is formally handed over to you, Captain Corbett will give you a bill of sale of the

ship, and you will permit him to take the register, and such other papers relating to the previous status of the ship as he may desire to carry with him, and I have stipulated with the ostensible owner that you will make no prizes until Captain Corbett has had time to reach England and cancel the register, for which purpose you should allow thirty days. It will therefore be important for you to despatch the *Laurel* as soon as possible. . . . All the work you have to do on board the *Shenandoah*, such as mounting the battery, building the magazine, and putting up such additional store-rooms as may be required, can be done while under weigh; and you should therefore leave the anchorage at which your supplies are received simultaneously with the *Laurel*, with the view of insuring your arrival upon the cruising ground at the appointed time. . . .

‘If there should be any objection on the part of the Colonial authorities (at Sydney) to your taking a large supply of coal, claim your right under the Queen’s Order in Council to get a supply sufficient to carry you to the nearest port of your own country, which is the precise limitation of the order, and that will afford you an ample supply. After leaving Melbourne or Sydney, proceed to the New Zealand whaling-ground, and thence northerly between the New Hebrides Islands to the Caroline Group, Ladrões, Bonins, etc., as specified in the enclosed memorandum.’

I omit the minute sailing directions for the cruise, references to charts, etc. The memorandum supplied a very general summary of the proposed route, and was as follows:—‘A fast vessel with auxiliary steam-power leaving the meridian of the Cape of Good Hope (say on the 45th parallel of south latitude) on the 1st day of January, would reach Sydney in Australia in forty

days. Adding twenty days for incidental interruptions, and leaving the coast of Australia on the 1st of March, passing through the whaling-ground between New Zealand and New Holland and the Caroline Group, touching at Ascension, and allowing thirty days for incidental delays, would reach the Ladrone Islands by the 1st of June. She would then, visiting the Bonin Islands, Sea of Japan, Okhotsk, and North Pacific, be in a position, about the 15th of September, north of the island of Oahu, distant sixty to a hundred miles, to intercept the North Pacific whaling-fleet, bound to Oahu with the products of the summer cruise.'

The letter of advisory instructions to Lieutenant-Commanding Waddell ended as follows:—'Enclosed herewith you will find a form of bond to be signed by captains of prizes you may ransom, and also short forms of depositions to be taken from captains and mates of prizes, and which you can extend to any degree of minuteness you may think advisable in particular cases. I can think of nothing else worthy of special remark. You have a fine spirited body of young officers under your command, and may reasonably expect to perform good and efficient service.'

All the initiatory arrangements for the *Shenandoah's* cruise were satisfactorily accomplished, with reference both to the meeting of the ship and tender at Funchal, and the prompt transfer of the stores off Madeira, and thus the delay and risk of seeking a second place of rendezvous was avoided. The *modus operandi* is sufficiently explained in the following extracts from a despatch which I addressed to the Secretary of the Navy, dated Liverpool, November 17th, 1864:—

'I have the satisfaction to report that the *Shenandoah* has received her officers and armament, and is now an

actual cruiser under the Confederate flag. Captain Corbett, who was employed to take the *Sea King*, now the Confederate States ship *Shenandoah*, to the rendezvous, has returned to England, and from his verbal statement, as well as from an official report of Lieutenant Ramsay, dated Santa Cruz, Teneriffe, October 21st, 1864, I have learned that the two vessels met at Madeira without accident, and at the appointed time. The *Laurel* proved so fast that she arrived sooner than I expected, and lying in Funchal Roads for two or three days after coaling to await the arrival of her consort, the circumstance excited some suspicion, and the United States Consul endeavoured to induce the Portuguese authorities to detain her, but he failed to suggest a justifiable plea.

‘On the morning of the 18th ultimo the *Sea King* appeared off the bay of Funchal, and having signalled as directed, was at once recognised and quickly joined by the *Laurel*. Fortunately the weather was fine, and the two ships were able to anchor under “Las Desertas,” an uninhabited island near the main island of Madeira, and beginning work with spirit and energy, all the armament and stores were transferred by an early hour on the 20th of October. On that day the two ships separated, and Lieutenant Ramsay proceeded to Teneriffe to land Captain Corbett and the seamen who declined to enter the Confederate service. I regretted to learn that only a small minority of the men sent out in the *Sea King* could be induced to enter for the *Shenandoah* when the object of her cruise was made known to them. . . . Lieutenant Ramsay reports that although the ship started on her cruise very short-handed, the officers were all in fine spirits. I feel sure that the crew can be steadily reinforced from prizes. . . .

‘The announcement that another Confederate cruiser

is at sea cannot fail to have a depressing effect upon the foreign commerce of the United States, by increasing the rate of insurance in and upon American bottoms ; and her appearance is at this time especially opportune, in consideration of the loss of the *Florida*. I can readily imagine with what indignation you will learn of the cowardly and murderous assault of the United States ship *Wachusett* upon the *Florida*. It has excited very severe comment in Europe, and the Brazilian Government seems to have acted with promptness and spirit. There is a rumour that France and England will join Brazil in her demand upon the United States for satisfaction, but both of the former Powers have shown so much forbearance, and Great Britain has of late been so partial and submissive in her intercourse with the United States, that it is difficult to imagine a change of conduct.

‘ I find it difficult to account for the unwillingness of the men to ship for the *Shenandoah*. Captain Corbett was instructed to engage for the *Sea King* only young, and as far as possible unmarried men, whose spirit of adventure and lack of home cares would, it was thought, incline them to a roving cruise. In this expectation I have been disappointed, for the majority of the men declined to enter the service on any terms, and Lieutenant Ramsay, yielding to a feeling of disappointment, writes that he “ never saw such a set of curs in all his (my) experience at sea.” In a hurried private note Lieutenant-Commanding Waddell informs me that an engineer in whom great reliance was placed to influence the firemen to ship, and who professed to have such a strong desire to serve the Confederate States that he was willing to run the blockade, belied all his promises, and actually did his best to persuade the men in his depart-

ment from remaining. You are of course aware that no overtures can be made to men in Great Britain, except in a few exceptional cases, and when a body of seamen are sent abroad it must be under some legitimate pretence, and their subsequent entry into the Confederate service depends upon their humour, the solid inducements held out to them, and the tact with which the prospects of the cruise may be represented. An officer would find his hands greatly strengthened in every way by the presence of a reliable force of sufficient strength to give him physical possession of his ship, and which would render him independent of the caprices of the men to whom he is forced to appeal.

‘It is not likely that a ship so suitable in every way for conversion into a cruiser as the *Sea King* will be found very soon, and it would not be safe to attempt another adventure of the kind until the excitement growing out of this one has subsided. If another proper ship can be found, and arrangements can be made for arming her with reasonable prospects of success, I will not shrink from the undertaking; but I am impressed with the conviction that if the war continues until next summer, a formidable naval expedition can be fitted out at a rendezvous where there will be no danger of interruption, and to which mechanics to assist in converting the ships can be sent without fear of discovery. I shall have the honour to report in detail on this subject by Lieutenant R. R. Carter, when he returns, and I will ask you to allow him to bring out a body of men and officers, the former to constitute a nucleus for the crews of the vessels, and to ensure safe possession of the property at the rendezvous.’

Eighty men were sent out in the *Sea King*, and out of that number, including a few by the *Laurel*, it was

hoped that at least sixty, or even seventy, would volunteer for the *Shenandoah*, but, in point of fact, only twenty-three consented to remain. The staff of officers of all grades, including three petty-officers who went out in the *Laurel*, was fortunately large, numbering nineteen, but the force to handle the *Shenandoah* at the start was only forty-two, all told.

Waddell, like most naval officers, had probably never joined a ship for service before, except when she was fully manned and in apple-pie order for a cruise, or at a Government dockyard, with ample force of men and abundant supplies to fit her out. On this occasion he found himself on the high seas in a ship 220 feet long and 35 feet beam, with standing royal-yards, and fitted to carry royal-studding-sails—everything dirty and in confusion, the decks lumbered with the armament and stores, and a crew of forty-two men and officers to navigate the ship and equip her at the same time.

The master, Irvine S. Bulloch, the paymaster, W. B. Smith, and the chief-engineer, Matthew O'Brien,\* had made the cruise in the *Alabama*, and had seen some rough-and-tumble work in discharging her tender and equipping the ship for her cruise at the island of Terceira, but the remainder of the wardroom sea-officers had been trained by no such experiences. They were mostly young men fresh from the United States Naval Academy at the breaking out of the war, and had seen little or no sea-service, except in the smart school-ship, which is sent out yearly for a summer cruise from Annapolis. Waddell was an officer of twenty-three years' experience in the United States Navy, and Whittle, the first-lieutenant, a smart, intelligent young officer, had seen some service. Lieutenant S. S. Lee had picked up some

\* O'Brien was first-assistant-engineer of the *Alabama*.

rough experiences in the merchant service, and was therefore more at home than most of the others. Fortunately, the *Shenandoah* had the advantage of good steam-engines and an ample supply of coal—enough, if need be, to steam to Sydney; but all will admit that the first impressions of those who had to put her in condition for her work could not have been exhilarating.

But although the staff of officers was chiefly composed of very young men, who were about to make their first effort in a responsible position, they were full of pluck and that ingrained *verve* and aptitude for the sea which is characteristic of the Anglo-Saxon race, whether born and bred in Great Britain, or in any part of what Sir Charles Dilke has called ‘Greater Britain,’ meaning by that broad and inclusive designation the English-speaking countries which have been colonized by Britons. They went to work with a will. In twenty-four hours they had two of the 8-inch guns and one Whitworth 32-pounder mounted. The next day two more 8-inch and the second Whitworth were on their carriages, and on the 29th of October, eight days after leaving the anchorage at Las Desertas, the ports were all cut and the whole battery of six guns was completely equipped and in place.

Waddell wrote me a short hurried note on the day he took command of the *Shenandoah*, while affected by the disappointment occasioned by the scant response to his appeals for volunteers and the apparently hopeless task of reducing the chaos around him to ship-shape trim. Under the circumstances, I was not surprised that the tone of his report was somewhat desponding; but there was no evidence of a wish to be out of the work—only a fear that he might not be able to accomplish all that was expected of him. If the letter had come promptly



to hand, I would have doubtless felt some misgivings, from a mere feeling of sympathy; but it did not reach me until the middle of November, and then I knew that his mind would be at ease, for he would have settled fairly down to his work; and I had assured him that, whatever deficiency there might be in the number of his crew at the start, he would be able to recruit from his prizes, as the *Alabama* and *Florida* had done. This prediction was fully verified, as, out of four prizes captured before crossing the Line, fourteen men volunteered for the *Shenandoah*, which reassured everyone on board, and gave them confidence in the final success of the cruise.

The ease with which the Confederate cruisers were generally able to get volunteers from captured vessels was a striking peculiarity of the Civil War. The *Alabama* left Terceira in August, 1862, with eighty-five men. In January, 1863, she fought and sunk the United States ship *Hatteras*, and had then a crew of one hundred and ten, the twenty-five additional men being volunteers from captured vessels. The *Shenandoah* was especially fortunate in this respect. From one of the whalers captured by her every man volunteered except the captain and chief officer. The *Florida* was obliged to leave Brest in February, 1864, very short-handed; but when she reached Bahia, in the following October, she had completed her crew to a full complement, almost exclusively by volunteers from prizes. It may be said that the men were induced to volunteer by the wish to escape the discomforts and confinement they had to submit to as prisoners; but this will hardly account for the promptness with which they volunteered and the spirit with which they joined in the work of the ships, often proving the handiest and most contented men on board.

The treatment of the captured seamen was always kindly,

and every possible effort was made to lessen their hardships. Besides this, the rapid accumulation of prisoners soon rendered it necessary either to 'bond' a prize, or to bargain with a passing neutral to take them off, and thus it could never have been a severe strain upon the patriotism of a 'loyal American' seaman to spend a few days under moderate restraint, at the very worst in single irons, but with the same food and drink as his jailors, and surely he might have borne it with patience if his 'loyalty' had been of a genuine type, or if its seat had been in the place where the highest and strongest and purest emotions are commonly thought to have their origin.

As a matter of fact, the captured crews of American ships expressed but little if any veneration for the 'old flag,' and did not appear to look upon the new arrangement of bunting at the peaks of the Confederate ships as a foreign invention. Many of the more intelligent of the officers, and not a few captains, expressed no animosity against the South, or surprise at the secession of the Southern States, but, on the contrary, often declared their conviction that the war was the natural and unavoidable consequence of the violent, unconstitutional, and exasperating agitation of extreme politicians at the North.

I am not at all disposed to follow the line of argument suggested by the foregoing statement, or to trace the cause why seamen sailing under the flag of the United States were so ready and willing to transfer their allegiance to a 'so-called' Rebel Government. I merely state an historical fact which came to my knowledge through official reports from the commanders of the Confederate cruisers, and the accuracy of which I have tested by personal inquiry, and by conversations with

officers of various grades and with seamen who served afloat in Confederate ships during the Civil War.

It is not within the scope or purpose of this narrative to relate the adventures of any Confederate ship after she was duly commissioned, excepting in so far as may be necessary to fairly and truly set forth the manner in which the naval policy of the Confederate Government was carried out, and to illustrate the conduct of the neutral Powers towards the two belligerents.

After leaving Las Desertas, October 20th, 1864, the *Shenandoah* shaped her course for the usual position for crossing the Line, and all hands were actively employed in making the necessary alterations and stowing away stores. On the 15th of November she crossed the Line. By this time she had captured several prizes, and the additions thus made to her crew relieved the pressure upon the originally small force on board, and relieved also the expenditure of fuel, for in the Trade winds the sails could be used with good effect. Waddell's object was to reach Melbourne or Sydney in time to begin his cruise against the whalers, in accordance with the programme, and thus to carry out the plan sketched in his instructions. He did not therefore linger at the 'two forks' of the marine roads north and south of the Line, as Semmes did with the *Alabama*, in order to intercept passing traders, but made the best of his way to the Australian port from which the real practical work of his cruise was to have its beginning. Nevertheless, his look-outs did not keep their eyes shut. Every passing sail was reported, closely inspected, and if the cut of her jib suggested her nationality, the *Shenandoah's* head was laid for her, and she was made to show her colours and her right to wear them. On the 25th of January, 1865, the *Shenandoah* arrived at Melbourne, and up to that

date she had destroyed eight American ships, six of which she fell in with at or near the great converging points of trade in the equatorial belt of the Atlantic.

The *Shenandoah* entered the port of Melbourne as a regularly commissioned ship-of-war of a recognised belligerent Government. Her flag and the commission of her commander were her credentials, and Lieutenant-Commanding Waddell was justified in claiming, and the Colonial authorities could not deny him, such facilities for repairing and provisioning his ship as the necessities of the case required, without violating the conditions of her Majesty's Proclamation of Neutrality and the stipulations of international law as commonly understood. If the *Shenandoah* had only required to supply ordinary defects and to re-provision, she would no doubt have been made to comply strictly with the 'Admiralty Regulations,' and she would have been compelled to quit Melbourne at the expiration of forty-eight hours, but the examination of the ship by the local engineers who were employed to effect the repairs, proved that an injury to the screw-bearings could not be got at and properly restored without taking the ship out of the water. Application was made to the Governor to put the *Shenandoah* on the 'slip,' which belonged to a private firm, and the request was granted; but the Colonial authorities were so rigid in enforcing the 'Orders for the Proper Preservation of Neutrality' which had been issued by her Majesty's Government, that the use of all appliances belonging to the Government, and all official assistance in repairing or provisioning the ship, was refused. Before placing the ship on the slip it was necessary to take some of the weights out of her, and after the repairs were completed a few days were necessarily occupied in the re-shipment and re-stowing of the

discharged stores. In consequence of the above-mentioned causes, the *Shenandoah* did not get away from Melbourne until February 18th, 1865, but notwithstanding the delay, she was rather ahead of the time for leaving the coast of Australia set out in the memorandum for her cruise.

The ship was now in good condition, with men enough to handle her safely, and there was an assurance that every prize would, if desired, supply a reinforcement. All on board were in good health and spirits; the shade of despondency which had somewhat overshadowed Waddell when he left the barren Desertas had wholly vanished, and he placed his ship upon the course necessary to fall into the prescribed route with a light heart and in hopeful spirits. There does not appear to have been an accident or a single misadventure which prevented Waddell from carrying out his programme, and he followed it faithfully and with success.

On the 21st of May, 1865, the *Shenandoah* entered the Okhotsk Sea under steam, with the purpose to proceed as far as Jonas Island, about two hundred miles from the entrance, which was reported to be a favourite rendezvous for 'right whalers,' but the ship got jammed in the ice several times; moreover, there was much fog, and the temperature was several degrees below zero. Altogether the danger was imminent, the ship was not fitted for forcing her way through ice-fields, and there was no one on board who had any experience in Arctic navigation. After making a fair and reasonable effort to get well into the Sea of Okhotsk, and fearing to do the ship some irretrievable injury if he persisted, Waddell came out through the Amphitrite Straits, the same by which he had entered.

The *Shenandoah's* course was now shaped for Beh-

ring's Straits, the second officer of a whaler captured just inside the Okhotsk Sea, and who had volunteered into the Confederate service, acting as a pilot to the whaling grounds. The cruise in the Behring's Sea was short, but effective. The whalers were caught in couplets, triplets, and quartets, and no less than four were ransomed and released in order to get rid of the numerous prisoners. It was June 13th when the *Shenandoah* left the Sea of Okhotsk, and turned her head to the northward and eastward to enter the great Arctic Sea. She made the first catch on the 22nd, and her last prize on June 28th. During those eventful six days she captured, and either destroyed or ransomed, twenty-four ships.

The *Shenandoah* was commissioned as a Confederate cruiser on the 19th of October, 1864, and sailed from Las Desertas on the next day. Her cruise as a ship-of-war may be said to have ended on the 28th of June, 1865, because she neither captured nor attempted to capture a single vessel after that date. Three months may be fairly deducted for the detention at Melbourne and the time occupied in making the passage from the Equator in the Atlantic to Melbourne, and thence to the localities of the whalers, she being then out of the track of American traders. It appears from an extract from her log now before me, that she fell in with and captured only two vessels between the 13th of November, 1864, and April 1st, 1865. We may say, then, that she was only cruising actively in the ordinary 'fair way' of American commerce five months. During that time she captured thirty-eight ships, thirty-four of which were destroyed, and four were ransomed, the latter being converted into cartels to transport the prisoners to the United States, or to the nearest port where they could

be suitably cared for. The thirty-eight captured vessels had crews which numbered in the aggregate 1,053 men, and their value, according to the depositions of the masters taken at the time of the captures, was \$1,361,983. The object of the *Shenandoah's* cruise was to thoroughly disperse, and in great part destroy, the American whaling fleet, and for the complete fulfilment of that object her route and the time of her operations at each particular locality were carefully considered, and set out in the instructions and memorandum given to Lieutenant-Commanding Waddell.

I have already mentioned that the programme was followed with unusual precision and effect up to the 28th of June, 1865. The original design was that the *Shenandoah* should leave the Arctic Sea in time to reach a position sixty to one hundred miles north of the island of Oahu, in the Sandwich Group, about September 15th, the expectation being that she would then be in time to intercept the North Pacific whaling fleet *en route* to the usual place of resort after the summer's cruise. After entering Behring's Straits, Waddell stood to the northward and westward, intending to run along the coast until abreast of Cape North, and then to work as far into the Arctic Sea as the state of the ice would admit. He soon, however, found his progress completely blocked, and he prudently and very properly determined not to risk the danger of disabling his screw, if not losing his vessel, in a struggle against obstructions she was not fitted to encounter. Within a week he had destroyed every whaler in sight from his mastheads, or of whose locality he could get any satisfactory information.

On the 28th of June, 1865, while coming out of Behring's Straits and very near the entrance, the *Shenandoah* fell in with a fleet of ten whalers in a lump;

and as it was flat calm, she had no difficulty in capturing them all. At an early hour in the morning she had captured the barque *Waverly*, of New Bedford, and had burned her. Of the ten last taken, two were ransomed to receive the prisoners, and the remaining eight were burned. This was the last day's work of the *Shenandoah*, and on the 29th of June she left Behring's Straits, and after clearing the Aleutian Group stood to the south-east, with the purpose to get into the track of vessels engaged in the Californian trade, and to learn something positive in regard to the progress of the war.

After leaving Melbourne on the 18th of February, the *Shenandoah* soon passed beyond the reach of communication with those who could give her any information—in fact, she was wholly and completely severed from all communication with Europe and America—and the whalers she captured in the Okhotsk Sea, and the first captures in the neighbourhood of Behring's Straits, were all equally ignorant of what had happened during the preceding three or four months. Lieutenant-Commanding Waddell has stated that on the 23rd of June he captured the ship *William Thompson* and the brig *Susan Abigail*. Both of those vessels had left San Francisco in April, and he got from them a number of San Francisco papers, which contained the correspondence between Generals Grant and Lee relative to the surrender of Lee's army. The same papers, however, contained a statement that Mr. Davis and his Cabinet were at Danville, and that 'Mr. Davis had issued a proclamation informing the Southern people that the war would be carried on with renewed vigour.' None of the whalers had later news than the above, and none of them thought that the war was over. As evidence of this, Waddell mentions that eight men from the ships captured on the



28th volunteered for the *Shenandoah*, and were actually shipped for her on the 29th. He says they were 'men of intelligence, all trained soldiers,' and that 'it is not to be believed that these men would have taken service in the *Shenandoah* if they believed the war was over.'

Even in Europe it was not universally thought that the surrender of General Lee would immediately end the war. Many were of the opinion that the scattered forces in the south-west would be able to unite with the troops under General Johnston, and that resistance might be continued in the mountainous parts of North Carolina and Southern Virginia, and that it might even be possible for Mr. Davis and the Executive Departments of the Government to reach the Trans-Mississippi States and to maintain a defensive warfare in Arkansas and Texas, if not with the prospect of ultimately recovering the lost ground, with at least the expectation of securing favourable terms of peace. It was, however, soon apparent to those of us abroad who knew the condition of the country, and who perceived the impossibility of keeping even a moderate force supplied with the most indispensable necessities, that the mortal blow had been struck, and that there could be no recovery.

Personally, I felt under a very grave responsibility with reference to the *Shenandoah*, which I knew to be far beyond the reach of all the ordinary channels by which news is disseminated, and with which it was impossible to communicate by any means at my command. When Mr. Davis was taken prisoner, and there was no longer a Civil Government to control the remnant of the military forces, or to conduct the negotiations for peace, I felt satisfied that the time had arrived when it was no longer possible to continue hostilities either with safety or with credit. It was manifest that there was

no longer a *raison d'être* for a Confederate cruiser, and I felt impelled to make any effort that could be attempted in order to stop the *Shenandoah* in her operations, which might at any moment cease to be legitimate acts of war, and become, by the common law of nations, that which Mr. Seward had always affirmed them to be, although he had never acted upon the allegation.

As soon as the arrest of Mr. Davis was known in England, I communicated my views to Mr. James M. Mason, the diplomatic representative of the Confederate States, and ventured to suggest that he should request her Majesty's Secretary of State for Foreign Affairs to forward through the British Consuls, at several points which I named, letters to the commander of the *Shenandoah*, containing instructions which should be in accordance with the state of affairs. When I first mentioned the subject to Mr. Mason, he thought the proposal hardly practicable, but on the 13th of July, 1865, he addressed me the following note :—

‘ 28, Grove Street, Leamington,  
‘ June 13th, 1865.

‘ DEAR SIR,—

‘ Recalling our late conversation about taking measures to arrest the cruise of the *Shenandoah*, I think the time has come when it should be attempted, and I know of no other mode than that you suggested, of proposing to the Foreign Office here that the order might be sent through that Department. If you concur, let me hear by note the several points to which the orders should be sent, and send me the form of the order, which, after examining, I will return to you.

‘ The order must of course be sent open to Earl Russell, and therefore worded accordingly. I think it

should state that in the present posture of events in the Confederate States, and the difficulty of communicating with any authority there, it had been determined here, and with my full sanction as the representative of the Government, that the war should be discontinued on the ocean. You will know best what order to give as to the disposition of the ship and her materials. On hearing from you I will write to Earl Russell, enclose the orders, and inquire whether his Government will transmit them through their Consuls abroad.

‘I am, etc.,

‘(Signed) J. M. MASON.

‘Captain James D. Bulloch,

‘Liverpool.’

In my reply to Mr. Mason I forwarded to him the order as suggested, and the following is a verbatim copy.

‘Liverpool, 19th June, 1865.

‘SIR,—

‘On the 9th day of April last, General Lee was forced to evacuate the lines of Petersburg and Richmond, after three days of continuous and sanguinary battle, and on the 14th of the same month, being surrounded by overwhelming numbers, he surrendered the remnant of his army to General Grant, only, however, when its last ration had been consumed and its military supplies were entirely exhausted. This event has been followed consecutively by the surrender of Generals Johnston and Taylor, commanding the Confederate States troops east of the Mississippi, and of General Kirby Smith, the Commander-in-Chief of the Trans-Mississippi Department.

‘President Davis, Vice-President Stephens, and several members of the Confederate Cabinet, have been arrested, and are now held as close prisoners by the United States Government. President Johnson has formally declared the war to be at an end, and has removed all restrictions upon foreign commerce by reopening the Southern ports to general trade. Furthermore, the principal European Powers have withdrawn the recognition of belligerent rights accorded to the Confederate States in 1861, and have forbidden the entry of vessels bearing the Confederate flag into their ports for any purpose of repair or supply.

‘I have discussed the above circumstances with the Honourable James M. Mason, the diplomatic representative of the Confederate States in England, and in accordance with his opinion and advice I hereby direct you to desist from any further destruction of United States property upon the high seas, and from all offensive operations against the citizens of that country.

‘Ignorance of the present condition of the *Shenandoah*, and of the point at which this letter may reach you, renders it impossible to give specific instructions in regard to the disposal of the ship, but you can refer to a letter in your possession dated October, 1864, for advice on that point. Your first duty will be to take care of the *personnel* of your command, and to pay off and discharge the crew, with due regard to their safety and the facilities for returning to their respective homes.

‘The orders issued by the Maritime Powers with regard to the treatment of Confederate ships hereafter indicate that you would be allowed to enter any port for the *bonâ fide* purpose of disarming and dismantling the *Shenandoah*, and that under such circumstances you would enjoy the protection of the laws, so far at least as

the individual safety of yourself and the officers and men of your command is concerned. If you have sufficient money to pay off your crew in full, direct the paymaster to take receipts from each man, which shall expressly waive all further claim against yourself or any representative of the Confederate States on account of pay or other emolument. If you have not money enough to pay off in full, and cannot negotiate a bill on England, pay to the extent of your funds, and give each man an order on yourself, payable in Liverpool, for the balance due to him, and come here to settle your account.

‘The terms of a proclamation lately issued by the President of the United States are such as to exclude most of the officers of your command from the privilege of returning at once to their original homes, and I would advise all of you to come to Europe, or to await elsewhere the further development of events in the United States before venturing to go to any part of that country, or to the Confederate States. Circumstances you will readily understand, and the force of which you will appreciate, compel me to be brief and general in these instructions, and you will therefore exercise your discretion in arranging all details. I will remain in Liverpool for an indefinite time, and you can communicate with me at my usual address.

‘I am, etc.,

‘(Signed) JAMES D. BULLOCH.

‘Lieutenant Commanding James I. Waddell,

‘Confederate States Ship *Shenandoah*.’

Mr. Mason forwarded the foregoing letter to the Foreign Office, with an application for its transmission through her Majesty’s Consuls, and received a prompt

reply from the permanent Under-Secretary of State. The subjoined are copies of the letter of Mr. Mason to Earl Russell and the reply:—

‘ 28, Grove Street, Leamington,  
‘ June 20th, 1865.

‘ MY LORD,—

‘ It being considered important and right, in the present condition of the Confederate States of America, to arrest further hostile proceedings at sea in the war against the United States, those having authority to do so in Europe desire as speedily as practicable to communicate with the *Shenandoah*, the only remaining Confederate ship, in order to terminate her cruise. Having no means of doing this in the distant seas where that ship is presumed now to be, I venture to inquire of your lordship whether it will be agreeable to the Government of her Majesty to allow this to be done through the British Consuls at ports where the ship may be expected. I have the honour to enclose herewith a copy of the order it is proposed to transmit, and will be obliged if your lordship will cause me to be informed whether, upon sending such orders unsealed to the Foreign Office, they can be sent through the proper channels to the Consuls, or other representatives of her Majesty, at the points indicated, to be by them transmitted, when opportunity admits, to the officer in command of the *Shenandoah*. These points are Nagasaki in Japan, Shanghai, and the Sandwich Islands. I trust that your lordship will, from the exigency of the occasion, pardon the liberty I have ventured to take, and will oblige me by having the enclosed copy returned to me.

‘ I have, etc.,

‘ (Signed) J. M. MASON.’

‘ Foreign Office, *June 22nd*, 1865.

‘ SIR,—

‘ I am directed by Earl Russell to acknowledge the receipt of your letter of the 20th instant, enclosing a copy of a letter which you are desirous of having forwarded to the commander of the *Shenandoah* through her Majesty’s representatives and Consuls at the Sandwich Islands, Nagasaki, and Shanghai, and I am to state in reply that his lordship has no objection to sending this letter to the places named and to her Majesty’s colonial and naval authorities, it being always distinctly understood that the *Shenandoah* will be dealt with in the courts, if claimed, according to law. The enclosure in your letter is returned herewith, as requested.

‘ I am, sir, etc.,

‘ (Signed) E. HAMMOND.’

In conformity with the terms of the foregoing letter, several copies of the instructions to Lieutenant-Commanding Waddell were sent by Mr. Mason to the Foreign Office, and he was informed that they would be forwarded in due course. I feel justified in saying, and it is proper that I should say, that the afore-mentioned instructions were not sent to Lieutenant-Commanding Waddell because of the belief that he needed an order, or even a suggestion, to induce him to cease committing hostilities upon the ocean the moment he received information that they had ceased upon the land. But if he conformed rigidly to the memorandum for the progress of his cruise, it was not probable that he would receive any reliable information until September, as he would only have come down from the North Pacific to a position one hundred miles north of Oahu on the 15th of that month, and the vessels he was there expected to

meet would themselves have been ever since the early spring in high latitudes, and would have known as little as he did of the course of events in the United States. There was also but a very faint expectation that the letters forwarded through her Majesty's Foreign Office would reach him ; still it was thought to be right, not only as a matter of policy, but of principle, to manifest a just appreciation of the true condition of affairs, and to put upon record the fact that those who had heretofore been trusted with the power to organize naval expeditions against the United States perceived when they ceased to be either lawful or honest, and had done what was possible to stop their depredations.

The *Shenandoah* left the Arctic Sea, and was clear of Behring's Straits on the 29th of June, 1865. She passed through the Aleutian chain of islands under steam, and the course was shaped for the Californian coast, but it was many days before she sighted a sail. On the 2nd of August a vessel was seen in the distance, and as the wind was light, and Waddell was very desirous to speak her, steam was ordered, and the *Shenandoah* stood towards her. The vessel proved to be the British barque *Barracouta*, fourteen days from San Francisco. She hove to, received a boat from the *Shenandoah*, and startled those on board with the report, or rather with the definite information, that all the Confederate armies had surrendered, that Mr. Davis and several of his Cabinet were prisoners—that, in fact, the Confederate Government had ceased to exist as a *de facto* Power, and that the authority of the United States had become paramount from the Potomac to the Gulf of Mexico, from the Atlantic to the Rio Grande.

It will be admitted, even after the calm reflection of seventeen years, that the commander of the *Shenandoah*



was in a critical and perplexing position. There never had been so sudden and so total a subversion of one national sovereignty and the substitution of another. On the morning of that 2nd of August, Waddell justly thought that his commission conferred the right to defend his ship against all comers on the high seas, to take her to any neutral port, and to claim every privilege that could be asked by any belligerent. Before the sun set on that day, the document had become a worthless piece of paper: he could not fire a shot, even to save his crew from capture, and he could enter no port for shelter, except as a political refugee or a voluntary captive.

In the temper then prevailing in the United States, it would have been a wilful and blind submission to harsh and vindictive imprisonment, if nothing worse, to take the *Shenandoah* to an American port. There can be no doubt that immediately upon the final cessation of hostilities the great majority of the people of the Northern States settled themselves down to their ordinary pursuits without giving much thought to the manner in which the Government would adjust matters at the South; and the treatment of the Southern leaders, as well as the 'reconstruction' of the several State Governments, was left in the hands of those politicians who had obtained the control of the Republican Party, and whose animosity against the South, and especially against the most prominent men of the South, was manifestly vindictive and of a personal character. No one can read the speeches of several members of the Senate and House of Representatives at that time (there would be no difficulty in mentioning more than one name), or can recur to the indignities and iniquities committed by the 'carpet-bag' Governors and Federal civil officers who were thrust upon the Southern States,

without admitting the truth of the foregoing proposition.

The arrest and long confinement of Mr. Jefferson Davis in a casemate at Fortress Monroe was a palpable manifestation of vindictive personal malice and revenge. The Government of the United States had treated with him for four years on terms of absolute political equality, they had over and over again acknowledged him as the head of a *de facto* Government, and the President of the United States, with the Secretary of State, had both gone personally to Fortress Monroe, and had there negotiated with the agents and representatives of Mr. Davis in reference to a plan of reunion. To treat him as a malefactor was contrary to every principle of honourable warfare; to have arraigned him for treason would have shocked the sense of justice, and would have aroused the indignant remonstrance, of all civilized peoples, whatever might have been the seeming acquiescence which diplomatic restraint imposes upon Foreign Governments. It would have been, and it was, indeed, equally impossible to sustain any criminal charge against him, because the preposterous and wicked insinuation that he had permitted cruelty to prisoners-of-war, and that he had the faintest possible complicity with the assassination of President Lincoln, was scouted by every honourable man in Europe, and was probably never believed by any honest man in the United States.

Mr. Davis had been too long and too prominently before the world to have escaped close observation and criticism. His intellectual qualities and his moral attributes were not unknown in Europe. His speeches in the Senate of the United States, especially those delivered shortly before the time of secession, and his State papers as the President of the Confederacy, were familiar to the

educated classes in England, and even to many in Continental Europe, and every sentiment expressed in them would have served as a witness against the charges of treason and guilt which were insinuated, but never boldly alleged, against him. At the end of a long and tedious imprisonment, which permanently impaired his health, he was unconditionally released, without any official explanation of the causes for his confinement or an honourable public withdrawal of the insinuations which had been advertised in the Party press. No other judgment can therefore be pronounced upon the proceedings against him than that they were suggested by personal malice and enforced by vindictive malevolence.

I should be very sorry to think that the majority of the people of the North approved of the treatment of Mr. Davis or the 'Reconstruction Policy' of the dominant Party leaders; but they made a grave mistake in permitting the professional politicians to have their way without a check or remonstrance. The course pursued by them inflicted more and deeper wounds upon the Southern heart than all the ravages of the actual struggle, and has delayed by many years the restoration of mutual confidence, even if it has not wholly and forever destroyed the belief in the advantages, security, and happiness to be obtained by a Federal Union and a written Constitution.

There were thousands of persons at the South who had no personal acquaintance with Mr. Davis, and were not drawn to him by any ties of common friendship, or early associations. I had never even seen him, except during one short official interview in May, 1861. But every man with a scintilla of chivalry in his heart rebels against the shame of expiating his own alleged faults through the sufferings of a fellow-creature, whoever he

may be. Every Southerner worthy of the least consideration looked upon Mr. Davis as a victim through whom the whole South was being punished, and every indignity inflicted upon him was felt to be an affront and an indignity to all.

When the people of any country are content to give their thoughts and energies wholly to private occupations, whether those occupations are for the accumulation of wealth or the pursuit of pleasure, and are willing to leave the Government in the hands of those who make politics a trade and the privileges and emoluments of office their aim, that country will and does cease to enjoy the true and honourable fruits of freedom. The masses who possess the much-vaunted right of franchise neither select their representatives nor watch their conduct afterwards. The 'Caucus' dictates who shall fill the public offices, and the so-called 'Machine' directs the policy of the Government. Hence it is that a small clique of unscrupulous but clever, energetic men, acting as the legally chosen representatives of a majority, but often wholly out of accord with the best men of their Party, may and do bring shame and disgrace upon the institutions of their country, and have given grounds for the opinion, often expressed in these latter years, that there is no tyranny so unreasonable, so unprincipled, so intolerable, as that of a mere majority. Any careful reader of current political history will be impressed with the conviction that the chief danger to the perpetuity of the American Union in its present form lies in the tendency of the educated and wealthy to be content with the personal luxuries which appear to be easily obtained in that favoured land, and who find their patriotic hopes exalted, if not wholly satisfied, by the rapid progress in material wealth which they behold on every side.

The foregoing reflections did not probably pass through Waddell's mind in their entirety when he got the *Barracouta's* news of the downfall of the Confederate Government, but he knew that he and all with him, and like him, had been denounced in State documents and Consular reports as 'pirates.' He knew that Mr. Seward had only been restrained from treating Confederate prisoners to the doom of traitors and buccaneers by the plain and resolute threat of retaliation, and now that so wholesome a deterrent had been removed, he thought it more than likely that the favourite maxim might be converted into a practical deed, and that if the *Shenandoah* was surrendered to the United States, he might be made a victim to illustrate the soundness of a theory which had not been abandoned, but only held in abeyance. After some deliberation he determined to take the ship to Liverpool, confident that whatever responsibilities he had incurred, or whatever faults he might have inadvertently committed, he would at the hands of a British Ministry and before an English Court receive impartial consideration and a fair, equitable hearing.

The 'British Constitution' is the freest system of restraints and privileges that has ever been devised by man for his own political control. Perhaps its great merit is to be found in the fact that it is not a mere compilation of hard-and-fast rules and precepts. It is not a formal arrangement of clauses dogmatically defining the privileges of the people and limiting the power of the Crown. It is often appealed to with pride and satisfaction by Britons of all classes at home, and it is equally the object of admiration and desire by oppressed nationalities the whole world over, and yet neither statesman nor jurist can precisely define its limits or prescribe the boundary of its action.

The phrase 'British Constitution' appears to be as broad as the British Empire and as elastic as the air of the British Isles. It never has been compressed into a distinct code, and has never been ratified by any Convention of the Estates of the Realm, or by appeal to a popular vote. Consecutive Acts of Parliament, decisions of the highest Courts of Appeal, and precedents founded by Cabinets and confirmed by their successors, ever since the days of Magna Charta, all taken together, constitute, I suppose, what is meant by the 'British Constitution,' and the power to change or modify it by the same processes, without any violent wrench, or any special appeal to the masses, whether in corporate organizations or as a huge democracy, probably accounts for the satisfactory manner in which it has hitherto worked.

The freedom of the British Constitution has some practical drawbacks. It permits, indeed it appears to have originated and confirmed, a system of circumlocution and 'red tape' in the management of public business which is often inconvenient, and it certainly cannot be said to have obliterated the tendency to individual crime which is unhappily common to the whole human race. But no fair critic of national institutions can, I think, refuse to admit that there is no country in which questions involving the privileges or rights of private persons, the liberty and property of the subject, or his punishment if need be, the freedom and protection of the alien, or his extradition and surrender if demanded, are so fairly and justly considered upon their merits, and without a thought of expediency or any fear of consequences, as in Great Britain. British Ministers are not immaculate—they are sometimes weak and vacillating, as the late Confederate Government found to its

cost ; but there is throughout all Britain a general and instinctive antipathy to political ‘ jobs,’ and a Minister or anyone in public office who attempted to practise them would soon find the British public on the scent, and he would be run to earth, dug out, and ignominiously cast among the rubbish of damaged reputations. The confidence of the British public in the personal integrity of those who administer the Government, not only in the high offices of State and on the Bench, but who manage the executive departments and are the permanent officials, is a fact that cannot escape the notice of all who habitually take note of national characteristics, and that fact serves to demonstrate that the political institutions of Great Britain are sound in theory, and that they are still in unison with the best instincts of the age.

In order to manifest his full understanding of the change in his own position and in the character of his ship in consequence of the *Barracouta’s* report, Waddell at once disarmed the *Shenandoah* by dismounting the guns and lowering them, with all their gear and appurtenances, below. The ports were closed, the funnel whitewashed, and the ship was again, to all external appearance, an ordinary mercantile screw-steamer. Having determined to bring the ship to England, no time was lost by detours or stoppages for any purpose. Vessels were occasionally passed, but no heed was paid to them except on one occasion, when a change of course at night and the use of both sail and steam was resorted to for the purpose of parting company.

On the morning of November 5th, 1865, Tuskar was made, being the first land sighted since taking a departure from the Aleutian Islands, at the entrance to Behring’s Sea, and the next day, November 6th, the

*Shenandoah* let go her anchor in the Mersey about half a cable's length astern of her Majesty's ship *Donegal*.

The officers had left Liverpool just thirteen months before, inspired by the prospects of an adventurous cruise and the hope of performing some useful service for their country. They were now again at their starting-point, but with very different hopes, and not without some misgivings. As soon as possible after anchoring, Waddell communicated with Captain Paynter, the commander of the *Donegal*, informed him that the object in bringing the *Shenandoah* to Liverpool was to place her in the possession of her Majesty's Government for such disposition as might be proper and legal, and handed him an official letter, addressed to Earl Russell, setting forth all the facts and circumstances of the case, which he requested Captain Paynter to forward.

The *Shenandoah* was immediately placed under detention by the officers of Customs, a party of men from the *Donegal* was put on board of her, and the gun-boat *Goshawk* was lashed alongside. Mr. Adams, the United States Minister, was promptly informed by the Consul at Liverpool of the *Shenandoah's* arrival at that port, and on the 7th of November, 1865, he wrote a letter to the Earl of Clarendon, who was then the Secretary of State for Foreign Affairs, on the subject. Mr. Adams did not make a formal demand for the surrender of the *Shenandoah* to the United States, because, as it appears from his letter, he was 'without special instructions respecting this case,' nor did he suggest that Lieutenant-Commanding Waddell and the officers and crew should be treated as pirates, although he alludes to the ship as 'this corsair.' He was content to ask Lord Clarendon to take such measures as might be necessary to secure the property on board, and to take possession of



the vessel with the view to deliver her to the United States in due course. Mr. Adams's letter, with that of Lieutenant-Commanding Waddell, and other documents relating to the *Shenandoah*, were referred to the law officers of the Crown on the same day (November 7th, 1865). The law officers 'advised' in substance as follows\* :—' We think it will be proper for her Majesty's Government, in compliance with Mr. Adams's request, to deliver up to him, on behalf of the Government of the United States, the ship in question, with her tackle, apparel, etc., and all captured chronometers or other property capable of being identified as prize-of-war, which may be found on board her. . . . With respect to the officers and crew . . . if the facts stated by Captain Waddell are true, there is clearly no case for any prosecution on the ground of piracy in the courts of this country, and we presume that her Majesty's Government are not in possession of any evidence which could be produced before any court or magistrate for the purpose of contravening the statement or of showing that the crime of piracy has, in fact, been committed. . . . With respect to any of the persons on board the *Shenandoah* who cannot be immediately proceeded against and detained under legal warrant upon any criminal charge, we are not aware of any ground upon which they can properly be prevented from going on shore and disposing of themselves as they think fit, and we cannot advise her Majesty's Government to assume or exercise the power of keeping them under any kind of restraint.'

On a subsequent reference of the case, the law officers advised again as follows :—' With respect to the question whether the officers and crew of the *Shenandoah* may

\* For the letter of Mr. Adams and the opinion of the law officers, see 'British Case,' pp. 157, 158.

now be permitted to leave the ship and go on shore, we have only to repeat the opinion expressed in our report of yesterday's date, namely, that these persons, being now in this country and entitled to the benefit of our laws, cannot be detained except under legal warrant upon some criminal charge duly preferred against them in the ordinary course of the law. If her Majesty's Government are now in possession, or consider it probable that, if an information were laid before a magistrate, they would shortly be in possession of evidence against any of these persons sufficient to justify their committal for trial, either upon any charge of misdemeanour under the Foreign Enlistment Act or upon the graver charge of piracy, we think it would be right and proper to take the necessary proceedings without delay, in order to have such charge duly investigated ; but at the present time we are not informed of any such evidence in the possession or power of her Majesty's Government by which such a charge would be likely to be established.'

The 'law officers' who gave the foregoing advice and opinions, and whose names are attached to the documents,\* were Sir Roundell Palmer, Sir R. P. Collier, and Sir Robert Phillimore. The first is now Lord Selborne, Lord Chancellor of England, the second is now a member of the Judicial Committee of the Privy Council, and the third is Judge of the Probate, Divorce, and Admiralty Division of the Supreme Court of Judicature. These eminent lawyers and judges having declared that they were not aware of any ground upon which the officers and crew of the *Shenandoah* could be indicted either for a misdemeanour under the Foreign Enlistment Act or for piracy, it may be assumed that those who bought and despatched the *Sea King* from England were equally

\* See 'British Case,' p. 158.

free from liability for violation of any English municipal law, and the charge of fitting out 'piratical expeditions' from Great Britain must also fall to the ground in this case, as in all others in reference to which that preposterous allegation has been made. All the parties having anything to do with the purchase, building, or despatch of the *Alabama*, *Florida*, and *Shenandoah* were, and continued to be, residents of England, and were both amenable to the law and within its reach. It is manifest from the opinions of the law officers of the Crown that the numerous affidavits supplied by the American Consuls contained no valid evidence, and that the Government instituted no proceedings because there was no proof upon which to base an indictment.

It should be mentioned, as part of the history of the *Shenandoah*, that when Captain Corbett, who took her out as the *Sea King* and delivered her to Lieutenant Waddell off Madeira, returned to England, he was arrested, taken before a magistrate, and committed for trial, upon the affidavits of some of the seamen, who alleged that he had attempted to enlist them, or to induce them to enlist, for the Confederate service. He was tried for this alleged violation of the Foreign Enlistment Act before the Lord Chief Justice and a special jury. The evidence produced at the trial was very conflicting. Several witnesses who had sailed in the ship were examined for the defence, and they contradicted on many material points the verbal testimony and the depositions which were offered in support of the prosecution. They stated on oath that Captain Corbett took no part in the endeavours to induce the men to enlist, and their statements were fully confirmed by the report sent me at the time by Lieutenant Waddell; in fact, he complained of the lukewarmness of Captain Corbett, and

explicitly affirmed that he did nothing to help in providing a crew for the *Shenandoah*. The jury acquitted Captain Corbett, and no other legal proceedings were ever taken in England in respect to the *Sea King* (*Shenandoah*) or her consort, the *Laurel*.

In consequence of the opinion of the law officers of the Crown which has been quoted above, instructions were sent to Captain Paynter, commanding her Majesty's ship *Donegal*, who was in charge of the *Shenandoah*, to release all the officers and men who were not ascertained to be British subjects. Captain Paynter reported, on the 8th November, that, on receiving instructions to the above effect, he went on board the *Shenandoah*, and, being satisfied that there were no British subjects among the crew, or at least none whom it could be proved were British subjects, he permitted all hands to land with their private effects. On the 9th of November Captain Paynter had an interview with the American Consul in a tug alongside of the *Shenandoah*, and arranged with him for the delivery of the ship to anyone he might appoint to take charge. On the 10th of November, 1865, a Captain Freeman went on board, under orders from Mr. Dudley, the United States Consul, and the *Shenandoah* was delivered over to him by the commander of her Majesty's gunboat *Goshawk*, who was then in charge; and thus ended the career of the last of the Confederate cruisers, which during the three previous years had wrought such ruin to American commerce, and had incidentally helped so much to increase the supremacy of the British mercantile marine.\*

Mr. Seward, Mr. Adams, and the Consuls, in their

\* For details of the surrender of the ship to the United States, see Lieutenant Alfred Cheek's letter and Captain Paynter's statement, 'British Case,' p. 159, etc.

reports and complaints in respect to Confederate cruisers, dwelt strongly, persistently, and tauntingly upon the allegation that the crews of those vessels were British subjects illegally engaged to wage war upon a friendly Power; and more than a month after the surrender of the *Shenandoah* to the United States and the dispersion of her crew, Mr. Adams sent to the Earl of Clarendon a deposition made by one Temple, who alleged that he had served in her throughout the cruise. The object of Mr. Adams appears to have been to prove from this man's affidavit that the crew of the *Shenandoah* were chiefly British subjects, and that therefore they should not have been released, but should have been tried for violation of the Foreign Enlistment Act. Why he should have urged a reopening of such a question so long after the particular event, and so many months after the end of the war, it is difficult at first to perceive; but as the matter was brought up again before the Tribunal of Arbitration, the purpose of Mr. Adams was probably to put on official record a point which the representatives of the United States could refer to at any future time.

In the 'Case' presented on behalf of the Government of her Britannic Majesty to the Tribunal of Arbitration, the above-mentioned deposition of Temple, which was sent by Mr. Adams to the Earl of Clarendon, was referred to in these words:—'It was clearly shown, however, that Temple was a person unworthy of credit, and some of his statements in his depositions were ascertained to be gross falsehoods. The crew of the *Shenandoah*, if Temple's evidence were to be believed, included Americans, Prussians, Spaniards, Portuguese, Danes, Malays, and Sandwich Islanders. About fifty men were stated by him to have joined her from United States ships.'

The affidavit of Temple was a fair example of the evidence and the witnesses generally tendered by the United States Consuls to her Majesty's Government, and it is not surprising that the law officers looked upon all such Consular documents with distrust. They accepted and acted upon them for the purposes of the '*Alexandra Case*,' and the result was an ignominious exposure on the part of the witnesses, a verdict for the defendants which stands to this day as a complete contradiction of the allegations against the Confederate agents, and a bill of costs and damages amounting to nearly £4,000, which her Majesty's Government had to pay, and which the United States ought to have recouped out of the £3,000,000 awarded them at Geneva, seeing that the suit against the *Alexandra* was instituted at their request and in their interest, and with the expectation that they could make good their depositions.

It has been already stated that there is no purpose in this narrative to defend or to explain the conduct of her Majesty's Government with any reference to the claims set up by the United States, or the allegations of neglect to enforce the conditions of the Foreign Enlistment Act and the Neutrality Proclamation against Confederate agents and Confederate ships, which the representatives of the United States brought against the British authorities both at home and in the Colonies. But it so happens that the charges of 'nefarious,' 'illegal,' and 'criminal' conduct on the part of the Confederate agents, with which the American State Papers are so highly seasoned, are also used with the purpose to convict her Majesty's Government of unfriendliness to the United States and of partiality to the Confederacy, and thus the counter-statements and arguments necessary to refute the charges

of illegality and crime alleged against one party, serve undesignedly as an explanation and defence of the neglect and partiality imputed to the other.

It is necessary that a few of the charges and complaints alluded to above should be specifically mentioned, in order that the conditions under which Confederate cruisers were equipped and kept at sea may be clearly understood. One of the allegations of the United States was that Confederate ships were permitted to enlist men in British ports, and even so late as June, 1882, an article appeared in the *American Army and Navy Register*, a paper purporting to be the organ of the United States army and navy, in which it is stated that the crew of the *Alabama* were men from her Majesty's ship *Excellent*, the gunnery-school ship of the Royal Navy.

As a matter of fact, not a single man was ever enlisted in a British port for a Confederate ship. The nucleus of the *Alabama's* crew was composed of the men who sailed in the *Enrica* and the *Bahama* to Terceira. They were the ordinary sea-faring men who can be got together at any time in a large port like Liverpool, and were engaged to navigate a private ship on a specified voyage which was perfectly legal in itself. Four or five men who had been to the Confederate States in the *Fingal* were taken out to join the *Alabama*, and those few probably suspected that they would somehow or other find their way into the Confederate service; but in no case was any man informed that he would be asked to do anything or to go anywhere not specified in the shipping articles signed by him until he was far beyond British jurisdiction, or any responsibility which could be attached to her Majesty's Government in respect to his enlistment. No threat or unpleasant

alternative was ever held out to a single man to induce him to enlist, and in every case the engagement was purely and wholly voluntary.

The difficulty of obtaining a sufficient number of men by ordinary and legal shipment of the crews was so great, that in every instance the cruisers were compelled to leave their rendezvous short-handed, and they filled up their number to the necessary fighting complement by means of voluntary enlistments from the American crews found on board the captured ships. That the enlistments were voluntary, and that the men were kindly treated, is abundantly proved by the good discipline on board the Confederate vessels-of-war, and the remarkable fidelity of the men to the officers who commanded them and to the flag under which they had agreed to serve. No set of men could have behaved better than the crew of the *Alabama*. They showed steadiness and pluck in the engagement with the *Kearsarge*, and conducted themselves with admirable sobriety and obedience when brought on shore from the sunken ship. One of them, named Michael Mars (he deserves this mention), volunteered to take charge of some important papers for Captain Semmes. He put them inside of the breast of his 'frock,' and jumped overboard from the sinking ship. When picked up and carried to the *Deerhound*, he handed the parcel to his commander, just as he would have delivered a package in the ordinary course of duty.

When the *Florida* went into Bahia in October, 1864, one watch was permitted to go on shore on liberty. The men came on board at the appointed time without any desertion. At the time of her capture by the *Wachusett*, the port-watch—some sixty odd men—were on shore. They came to England with their com-



mander, and after arrival a large number of them wrote me a letter requesting to be sent to some other Confederate ship, or if not, to the Confederacy, and expressing a readiness to serve 'their country' whenever it might be thought necessary. I have the above document in my possession now. It is signed by every petty officer in the port-watch, with his rating annexed to his name, and by twenty-eight A.B.'s and ordinary seamen as well. The behaviour of the *Shenandoah's* crew in preserving their discipline and bringing the ship to Liverpool without questioning the authority of Waddell, when they were informed of the collapse of the Government they had enlisted to serve, may also be mentioned.

It has never been alleged, so far as I know, that a single prize was ever plundered, or that the men showed any disposition to plunder which required special and severe restraint. If there ever has been such an insinuation, the allegation is wholly untrue, and could be easily disproved. In the one single case of the *Shenandoah* it has been admitted that some men were added to her crew at Melbourne, but they stowed themselves away, and were not discovered until the ship was at sea, and so even in that instance they were not enlisted within British jurisdiction.

Pressed crews, or men enlisted under false pretences, or through 'criminal' and 'nefarious' concealments, would not have remained faithful under all the trying circumstances in which the Confederate cruisers were placed. For six or seven years after the war I often met a man just in from a voyage, who would remind me with evident satisfaction that he was one of the 'old *Alabama's*,' or some other Confederate cruiser. Often one or more would call especially as if to report, and

they seemed to think it quite natural to advise me of their whereabouts and doings.

Such incidents are among the agreeable and comforting reflections in respect to a war which has left but few gratifying reminiscences. They suggest that there must have been some inherent right and justice in the cause which could arouse so much fidelity among its voluntary partizans abroad, as well as so much self-sacrificing courage and endurance at home, or else they must be taken as a tribute to the tact and judgment, the suavity and kindly severity of the Confederate naval officers, who were able to keep their ships in discipline, and yet to inspire the men with confidence and devotion to their adopted flag.

Another complaint of the United States was that the British and Colonial authorities permitted 'excessive hospitalities' to Confederate cruisers, and practised in some instances 'discourtesies to vessels-of-war of the United States.' The above complaint was placed in the 'Case of the United States' presented to the Tribunal of Arbitration in the form of a specific charge against her Majesty's Government, and it was alleged that the rules adopted for the treatment of belligerent vessels 'were utterly disregarded' in the case of Confederate ships-of-war, and were 'rigidly enforced against the United States.' The specifications in support of the complaint were chiefly in reference to the permission given to Confederate ships to obtain coal in British ports, whereby they were able to continue their cruises.

It does not concern me to reply generally to the complaints of 'excessive hospitalities' to one side, and 'discourtesies' to the other. Those who are anxious on the subject will find the groundlessness of the charges fully demonstrated in the British 'Counter-Case.' I will

confine myself exclusively to the complaints which refer to the visits of Confederate ships to British ports, and the supply of coal they were permitted to receive. During the course of the war the total number of visits paid by Confederate ships to British home or Colonial ports was twenty-five, eleven of which were made for the purpose of effecting necessary repairs to engines. Coal was obtained on sixteen of the twenty-five visits, and on sixteen occasions the limit of stay fixed by the regulations was exceeded by special permission or by order. In one of the cases, however, the excess was only two hours, and in one it was enforced in order to give an American merchant vessel the advantage of twenty-four hours' start. The total amount of coal obtained by Confederate cruisers in British ports was in round numbers 2,800 tons.

Let us now refer to the other side. The official returns—which, however, are said to have been necessarily incomplete—show an aggregate total of 228 visits of United States ships to British ports. On thirteen of these repairs were permitted, on forty-five coal was obtained, and the limit of stay prescribed by the regulations was exceeded forty-four times. The returns of the quantity of coal received by each United States ship are so imperfect that it is impossible to arrive at the precise aggregate amount obtained by all of them, but it is specifically stated in the British 'Counter-Case' that the United States ship *Vanderbilt* alone took on board '2,000 tons within the space of less than two months,' which is more than two-thirds of the whole amount obtained by all the Confederate ships put together. When it is remembered that the United States ships had free access to their own ports, often within a few hundred miles of the places where they were permitted to obtain

coal, while the Confederate ships were wholly dependent upon the foreign supply, it will be manifest that the complaints are easily shown to have been groundless.

In the 'Case of the United States' it is specifically charged that in *three* instances Confederate ships were allowed to coal in British ports in contravention of the regulations of January 31st, 1862, but in the British 'Counter-Case' it is proved that the coaling of the *Florida* at Barbadoes was the only instance which could be considered a departure from those rules. In the above-named instance, the Governor permitted the *Florida* to obtain a supply of coal within the limits of the regulations upon the report of her commander that he had run short from stress of weather.

It will be perceived that the United States were only able to specify three instances in which the regulations were relaxed in favour of Confederate ships, and those cases have been reduced in point of fact to one, and that of doubtful application. But how stands the case with reference to United States ships? Let it be borne in mind that, according to the regulations referred to, no vessel of either belligerent could obtain coal from a British or colonial port until the expiration of three months from the date of her last supply at the same or any other British port. In the British 'Counter-Case,' pp. 117, 118, it is stated that the United States ship *Vanderbilt* obtained at St. Helena, 18th of August, 1863, 400 tons of coal; at Simon's Bay, 3rd of September, 1,000 tons; at Mauritius, 24th of September, 618 tons. Thus, within a period of but little more than one month, this United States ship obtained coal at three British colonial ports, in direct contravention of the regulations.

But this is not all—the United States ships *Tuscarora*, *Kearsarge*, *Sacramento*, *Wyoming*, *Narraganset*, *Wachusett*,

*Mohican*, and *Dacotah* are mentioned as having been permitted to obtain coal within the prescribed period. The *Sacramento* is stated to have practised a ruse to evade the regulations. After coaling at Cork between July 28th and August 1st, 1864, she was allowed to receive 25 tons more at Plymouth on the 16th of August, and 30 tons more were sent to her from Dover by the United States Consul, in a vessel which left without clearance for the purpose. There are other cases of evasion of the regulations by United States ships mentioned in the British case, but the foregoing are sufficient, when contrasted with the privileges granted to Confederate ships, to utterly quash the charges, and discredit the complaints of 'excessive hospitalities' to Confederate cruisers and 'discourtesies to vessels-of-war of the United States,' which were so often and so petulantly made by Mr. Seward and his Consuls, and appear to have been recklessly repeated in the formal legal argument presented to the Tribunal of Arbitration.

It does not appear from the published documents attached to the proceedings at Geneva that the United States sent any ships in pursuit or in search of the *Shenandoah*. She was permitted to sail round the world, and destroy many American ships in a deliberate manner, and according to a fixed programme, and never saw a United States vessel-of-war. During the two years' cruise of the *Alabama* she was met by only two United States ships until she voluntarily went out of Cherbourg to engage the *Kearsarge*. One of the two was the *Hatteras*, which she sunk, and the other was the *San Jacinto*, too powerful a ship to engage, and from which she escaped by a ruse.

The *Florida* was compelled to remain at Brest from August, 1863, until February, 1864; and her presence

there was so well known that the United States ship *Kearsarge* was sent to watch her. The *Kearsarge* appeared off, or came into, Brest Roads, September 17th, October 30th, November 27th, December 11th and 27th, 1863, and January 3rd, 1864. At the last-named date the *Florida* was at anchor in the roadstead, to all appearance ready for sea; but for some reason the *Kearsarge* disappeared, and when she returned the *Florida* had sailed. The *Florida's* cruise after leaving Brest, her 'raid' to within thirty miles of the Capes of the Delaware, her subsequent run through the equatorial 'forks' of the great maritime roadway, and her arrival at Bahia, have been narrated in a previous chapter; but during all of this period of eight months she never saw a United States ship-of-war until she found the *Wachusett* lying idly at anchor in the last-named port. If the *Wachusett* had been in the right place, she would probably have met the *Florida* in the open sea, there would have been a fair fight, and the discreditable occurrence at Bahia would have been avoided.

It does appear extraordinary that, with the large naval force which the United States controlled during the war, a few Confederate ships should have been permitted to cruise through the two great oceans at will, and to destroy so many vessels just where any intelligent naval officer would know where to find them, and where it should have been known that the hostile cruisers would be sent. I have not been able to obtain all the returns of captured ships. The *Florida's* papers were nearly all lost, and some of the other ships did not send regular reports, and at the sudden termination of the war there were many other things to think of, and a precise record was not made. From the documents now in my possession, or which have been submitted to my inspection

in past years, it appears that the regular Confederate cruisers destroyed one hundred and seventy-five vessels ; and this number does not include the vessels captured and destroyed by Lientenants-Commanding J. T. Wood and John Wilkinson in their short dashes out of Wilmington with the *Tallahassee* and *Chickamanga*.

But this was not the whole of the injury inflicted upon American commerce by the few Confederate cruisers. In the 'Case of the United States' presented to the Tribunal of Arbitration, some startling figures are given to illustrate the indirect damage. On p. 130 of the above-mentioned document it is stated 'that while in 1860 two-thirds of the commerce of New York were carried on in American bottoms, in 1863 three-fourths were carried on in foreign bottoms.' On the same page there is an account of the number and tonnage of American vessels which were registered in the United Kingdom and in British North America (namely, transferred to the British flag) to avoid capture, from which I extract the following :—'In 1861, vessels 126, tonnage 71,673 ; in 1862, vessels 135, tonnage 64,578 ; in 1863, vessels 348, tonnage 252,579 ; in 1864, vessels 106, tonnage 92,052.'

I can conscientiously affirm that this destruction of private property, and diversion of legitimate commerce, was painful to those whose duty it was to direct and to inflict it. But the United States have always practised that mode of harassing an enemy ; and Mr. Bolles says, in his article in reference to the proposed trial of Admiral Semmes, that they would do so again under like circumstances. It is greatly to be regretted that when the United States wrung the Treaty of Washington from Great Britain in 1871, and brought her Majesty's Government before a great International Court of Arbi-

tration, the proposition to exempt private property from destruction at sea in future wars was not discussed and definitely determined. Unfortunately, that treaty and the important conclave of eminent statesmen and jurists at Geneva have settled nothing in respect to international law that has any binding force upon any Power except Great Britain and the United States, and upon them only for the specific purposes of the treaty, because her Majesty's Government not only agreed to be judged by rules manufactured for the occasion, and not applicable to neutral duties as commonly understood, but her Majesty's Ministers weakened, if they did not wholly destroy, their case in advance by imprudent speeches in public, and by indiscreet admissions, as well as by a strange and unstatesmanlike vacillation that gave their adversary in the case an advantage which was manifest to all who were interested in the proceedings and followed them with attention.

The career and fate of the *Shenandoah* after her surrender to the United States may be of some interest, although the former was not lustrous, and the latter was merely the lot common to many stately craft, whether historic or commonplace. Shortly after the surrender, Captain Freeman was ordered to take the ship to New York. It was winter, and the fierce westerly gales seemed unwilling to permit the transfer of the ex-Confederate craft to her late enemies without a rough protest. Captain Freeman appears to have made an earnest effort to fulfil his instructions. He fought against head winds and seas for some time, but finally returned with the ship to Liverpool, having lost some of the upper spars and the greater portion of the sails.

The *Shenandoah* was then put up for sale, and was



finally bought for the Sultan of Zanzibar. She was fitted out with some show of luxury as to cabin fittings, and it was rumoured that she was to be used as a yacht, but, whether she proved to be too large and too expensive for the convenience of the Sultan and the resources of the Zanzibar exchequer or not, she was soon set again to the peaceful occupation for which she was originally built, and carried many a cargo of 'ivory, gum, coral, and coal' for his sable majesty, and weathered the blasts of many monsoons, until at last, in 1879, fourteen years after she struck the Confederate flag, the teak planks were torn from her bottom by a rough scrape on a coral reef, and her iron ribs were left to rust and crumble on a melancholy island in the Indian Ocean.\*

One of the difficulties attending the enterprise for which the *Shenandoah* (or *Sea King*) was bought, arose from the necessity of providing a tender for her, which of course involved a large additional outlay, at a time when other necessities were pressing, and the financial agents were not over-well provided with funds. When it was determined to undertake the enterprise, prompt action was absolutely necessary to insure success, and all that could be done to secure an economical expenditure was to buy a good vessel for a tender that could be used as a blockade-runner, or would be likely to fetch something approximate to the cost afterwards.

These expectations were happily fulfilled by the *Laurel*. Lieutenant Ramsay carried out his instructions with intelligence and energy. After parting company with the *Shenandoah* off Madeira, he proceeded to Teneriffe, and landed there Captain Corbett and the

\* An interesting leader appeared in the *Daily Telegraph* (London) on her career and final shipwreck at the time of her loss.

crew of the *Sea King*. From Teneriffe, Ramsay proceeded to Nassau, and took the *Laurel* from that port into Charleston with a most valuable cargo of supplies, shipped by Mr. Heyleger, the Confederate agent at Nassau. Immediately after the arrival of the *Laurel* at Charleston, early in December, 1864, the Secretary of the Navy directed me to sell her when she came out; but upon further consultation with Lieutenant Ramsay, she was transferred to the Treasury Department at cost price. She was then loaded with cotton on account of the Treasury, and got safely through the blockade. While in Charleston the name of the *Laurel* was changed to the *Confederate States*. She was the subject of some correspondence between the United States Minister to England and her Majesty's Government, which appears to have ended with the following statement contained in a letter from Earl Russell to Mr. Adams, in March, 1865:—‘Her Majesty's Government are advised that although the proceedings of the steamer *Confederate States*, formerly *Laurel*, may have rendered her liable to capture on the high seas by the cruisers of the United States, she has not, so far as is known, committed any offence punishable by British law.’\*

As the *Laurel* was transferred from one Department of the Government to the other, there arose no question of profit or loss; but, looking to the service she rendered to the *Shenandoah*, the freight she would have earned on the inward cargo to Charleston if it had been carried on private account, and her transfer at cost price, the transaction as regards the Navy Department resulted in a very substantial profit.† I cannot state whether the

\* See ‘United States Case,’ p. 123.

† The blockade rates of freight were then about £50 per ton.

*Laurel* (*Confederate States*) made more than one voyage through the blockade. She belonged to another Department. I had no further control over her, and have never learned what became of her at the close of the war, which came to an end in a few months after her first departure from Charleston.

## CHAPTER IV.

Admiral Farragut and his achievements.—The Federal and Confederate naval forces compared.—Abortive attempts at shipbuilding in Confederate ports.—The Ordnance Service of the Confederate Navy Department.—Financial arrangements at Richmond and in Europe.—English ironworkers sent out to the Confederate Government.—The Confederate States Representatives at Bermuda, Nassau, and Havana.—The purchase and despatch of the *Coquette*.—Vessels bought for the commercial purposes of the Confederate Government.—Embarrassments arising from speculative contractors and from friendly offers of vessels.—Commander M. F. Maury.—The *Georgia* and the *Rappahannock*.—The *Pampero*.—Total cost of the *Alabama*, *Florida*, and *Shenandoah*.

WHEN Mr. Stephen R. Mallory was placed at the head of the Navy Department in the Provisional Government which was hastily organized at Montgomery in February, 1861, there was but little to gratify his ambition in the high office assigned him. The entire want of the commonest, as well as the most essential, materials and resources for building and equipping a navy was painfully apparent, and he must have felt how impossible it would prove for him to satisfy the public expectations, or to accomplish anything that would be accepted as evidence of due forethought and energy on his part. In war, people hope for brilliant operations, if not always for complete success, and as it is impossible for a Department of State to explain either its purposes or the means of

fulfilling them to the general public, the absence of striking results is often attributed to the want of genius to plan or of energy and skill in administration.

It is difficult to imagine a more troublesome and trying position than that which was thrust upon Mr. Mallory. His colleague at the War Office was compelled to assume grave responsibilities, and to undertake a burdensome task. The lack of military resources was quite as manifest as the want of naval materials, but there was plenty of bone and sinew in the country, and hosts of ardent, gallant spirits, and these required no urging to rally them to the flag. They were as good material for soldiers as could be found, and the Secretary of War was able to collect and organize a force which met with a notable success at a very early period of the contest, and the army and its administrative staff were launched into public notice, and introduced to national favour, with a prestige that the sister Department could not imitate and the sister service could not rival.

Nothing could induce me to disparage the professional ability, the sense of honour, or the gallantry of those officers of the United States navy who remained, if I may use the phraseology of the period, 'faithful to the old flag,' an expression which in plain language simply means that the officers from the North retained their commissions in the navy of a Federal Union composed of their own native States. But I feel bound to say that I am not restrained from criticism or reproach by the vigilant and resolute exertion of any moral force opposing and overcoming a severe and acrimonious spirit. I neither feel now, nor have I ever been moved to, the slightest sentiment of ill-will against the *personnel* of the United States navy, and I have no grudge to gratify, and no personal injury to retaliate. There is

therefore no temptation for me to depreciate the exertions of that corps during the Civil War, or to intimate that the victories achieved by United States ships over the very inadequate resistance the Confederates were able to oppose to them have given the full measure of the skill and daring of the American navy.

Any fair critic will admit that Farragut showed that he had the qualities in kind which make a great naval commander. To what degree he possessed them can hardly be said to have been fully tested. There was undoubtedly energy in preparation, and an admirable exhibition of personal resource and courage in his operations on the Mississippi and at Mobile, but then the inefficient armament of the forts, the insufficiency of the artificial obstructions, and the feebleness of the opposing Confederate vessels, are so strikingly manifest to those who have been able to obtain trustworthy reports, that the success achieved cannot be regarded with much surprise, while on the other hand defeat could only have been the result of signal failure in the execution. From the performances of the United States navy during the Civil War, it may be fairly inferred that there is more ability in the service than the opportunities revealed; and I have no doubt that if the occasion had required greater exertion and higher professional qualities, the necessary fortitude and skill would have been forthcoming.

Lord Napier of Magdala was greatly commended, and was raised to the peerage, because he organized and carried out the expedition to Abyssinia with much judgment, prudence, and skill, and the final movements were so rapid that he effected a complete success with very slight loss to his own forces. He was justly thought to have exhibited a rare union of military

qualities, to wit, the faculty of duly proportioning the means to the end, combined with a comprehensive knowledge of strategy in design and tactical skill in execution. The British Government and the military critics perceived that the occasion did not exhaust his powers, but that there remained behind a reserve of latent strength which might be relied upon in case of a future and greater demand. The honours conferred upon him were intended, therefore, to mark the estimate which had been formed of his capacity; but no one thought of comparing the march to Magdala with Bonaparte's swoop upon the plains of Piedmont and Lombardy in 1796, and neither English poet nor prose writer has ever linked the names of Napier and Napoleon in the same military chaplet.

Farragut's honours were equally well earned, and no one can say that he might not have rivalled the historic admirals of by-gone years if he had experienced the same training, and had been put to the same tests; but the run past the forts on the Mississippi, and the entry into Mobile Bay, are no more comparable to Nelson's exploits at Copenhagen and Aboukir than the march through Abyssinia and the storming of Magdala are deserving of comparison with the rapid advance of the French into Northern Italy and the 'terrible passage of the bridge of Lodi.' There should be a fitness in similitudes, otherwise what is meant for praise degenerates into adulation.

It has been written that an indiscreet friend is more dangerous than a prudent enemy. Admiral Farragut commanded the largest and most powerful force that had ever been controlled by any American naval officer, and I have always thought that the consequences which resulted from the operations of that force in the

waters of the Mississippi were more fatal to the Confederacy than any of the military campaigns. The achievements of Admiral Farragut's fleet enabled General Grant to cross the Mississippi with safety, and to get into the rear of Vicksburgh. The fall of that essential position was thus assured. David Porter's flotilla, which had been working down from the Ohio, was able to unite with Farragut's fleet, which had forced its way up from the Gulf of Mexico, and the Confederacy was thus finally cut in twain. Besides the large number of admirable fighting-men Texas could and did contribute to the Confederate army, that great State had become the chief source of supply for cattle, horses, and other essentials. The entire control of the Mississippi by the United States naval forces, which resulted from the fall of Vicksburgh and Port Hudson, was a fatal blow to the Confederacy, and reduced the war from the position of a contest having many probabilities of success, to a purely defensive struggle for safety.

So far as can be learned from the current histories of the period, the above-mentioned decisive results were chiefly due to the exertions of Farragut, supplemented and assisted by the untiring exertions of David D. Porter (now Admiral Porter). Those two naval commanders used the forces under their respective commands with daring and persistent energy, and a nearer approach to intuitive genius than was exhibited by any of the military leaders on the Federal side, and they have won for the navy the chief credit for the ultimate success of the United States. There can be no doubt that Generals Grant and Banks dawdled about Vicksburgh and Port Hudson for a considerable time to very little purpose, and there is nothing in the published records to show that they would ever have got possession of



those strongholds of the Confederacy if Farragut and Porter had not opened the great river for them, and it is not impossible that General Grant owes his great reputation to the opportunity afforded him by Farragut's exploits on the Mississippi, and obtained the advantages which enabled him to overwhelm Lee through the consequences which inevitably followed the naval operations in the south-west.

Admiral Farragut had at least these marks of genius, a quick and intuitive perception of the practicability of an enterprise and a perception of the force necessary to justify an effort. When satisfied on those points, he never hesitated, but delivered his blow promptly and with all the strength he could wield. He deserved success and won it. If a single one of the higher officers of the United States army had possessed corresponding inspiration and vigour, the Confederacy could not have resisted and beaten back the vastly superior power of the Federal Government for four years.

When the results which follow a military or naval enterprise are notably important and decisive, the world is not inclined to be critical as to the relative means of attack and defence, but when biographers or admiring fellow-countrymen seize upon the most brilliant of foreign worthies and appropriate him as the type of their own national hero, calm spectators are irresistibly impelled to inquire into details and to investigate the title upon which the comparison is founded. Admiral Farragut is justly entitled to a monument of his own, but to insist upon putting him upon the same pedestal with Nelson, as some indiscreet Americans have done, is to invite a comparison which is unfair to his well-earned reputation.

Nelson won his great victories over opponents who were superior in force, and had, besides, great advantages

both in position and formation. Running past stationary batteries has never been considered a very great achievement by any authority on naval tactics, and the Confederate flotillas opposed to the United States ships on the Mississippi and at Mobile, were manifestly too weak in numbers, armament, and manœuvring power to offer an effective resistance.

The Confederate States cannot be said to have had a navy at all. The few cruisers it was possible to put afloat formed an irregular marine force, which was too weak to act with any effective aggressive power, and was therefore never collected for a united attack upon any given point. The commanders of those few vessels were compelled to be content with the injury they could inflict by the destruction of commercial ships. Semmes, in the *Alabama*, gave the United States ship *San Jacinto* the slip at Martinique because the disparity of force would have exposed him to the imputation of folly rather than courage if he had engaged her, but he never shunned a meeting with any other United States ship, and cruised where, according to all reasonable calculations, he was likely to encounter them. Apart from Maffitt's desperate enterprise off Mobile, both he and Morris took the *Florida* to localities where it has always appeared strange none of the enemy's ships were seen. Maffitt was chased among the Bahamas, and he practised the merest prudence in declining a combat at that time, because the pursuing ships were not only greatly superior in size and armament, but his vessel was shorthanded and the crew scarcely trained to the manual of the guns. Morris had no purpose to resort to any ruse in order to escape from the *Wachusett* at Bahia. His intention, officially reported, was to go to sea in open daylight as soon as his repairs were completed, and to fight if pur-

sued, as he fully expected to be. It is a pity that Captain Collins surrendered his own judgment and his own better instincts to the guidance of Mr. Consul Wilson, and was thus led to perpetrate a great wrong. If he had only waited a few days he could have followed the *Florida*, or gone in company with her to sea, and he would have had the opportunity to place his name on a level with Winslow's. The *Sumter*, *Georgia*, and *Shenandoah* were clearly unfit for offensive warfare. They were ordinary merchant vessels, armed sufficiently to overawe, and if need be to overcome any threat of resistance from commercial ships, and perhaps to beat off the attack of one of the converted vessels of the United States navy, but manifestly unequal to cope with the weakest of the gunboats of the regular United States marine. The commanders of all the above-named ships, to use a sporting phrase, were 'heavily handicapped' in the race for purely naval honours, and yet I may venture to say that they shrank from no exposure and no risk, which they would have been justified in seeking, and as they manifested on all occasions a degree of fortitude, sagacity, and professional skill proportionate to the trial, it may fairly be inferred that they had in reserve sufficient stored-up strength and ability to have made a creditable use of better means and broader opportunities.

The object in getting as many cruisers at sea as possible, and at the earliest time after the beginning of hostilities, was, as has been previously stated, twofold. Primarily the purpose was to destroy the enemy's commerce, and thus to increase the burden of the war upon a large and influential class at the North, and the collateral purposes were to compel the United States Navy Department to send many of their best ships abroad for the pursuit of the Confederate cruisers, and

to increase their naval expenditure, which it was thought would tend to weaken the blockade, retard the preparation for attack upon exposed portions of the Southern coast, and also to add largely to the aggregate cost of carrying on the war.

The foregoing expectations were not wholly realized. The United States Navy Department did not send many nor the most suitable vessels in pursuit of the Confederate cruisers, and, strange to say, instead of consulting Maury's charts and the Chambers of Commerce of the large shipping ports, from whom the precise localities where American trade would most require protection, and where the attacking cruisers would be sure to go, would best have been gathered, the protecting ships were left to make passages from port to port in a purposeless sort of way, often arriving a day too late or departing a day too soon to meet the objects of their search.

It appears from the proceedings before the Tribunal of Arbitration at Geneva that the United States set up a claim against Great Britain for the cost of maintaining at sea the vessels that it was found necessary to send in pursuit of the Confederate cruisers. Among the vessels alleged to have been employed for the above purpose, were 'the *Onward*, of 874 tons, the *Ino*, of 895 tons, converted merchant vessels without steam-power, also the *Gemsbok*, *National Guard*, and *Sheppard Knapp*, and finally the *George Mangham*, a mortar (sailing) schooner of 274 tons.\* It is hardly necessary to say that no Confederate cruiser that was sent to sea during the war would have been driven from her work by any such vessels; indeed, even the converted ships, such as the *Georgia* and *Shenandoah*, would have liked no better

\* See 'British Counter-Case,' pp. 139, 140; also 'Appendix to British Case,' vol. vii., pp. 58, 63, 111.

fun than to have encountered them in couplets or even triplets. Even the *Vanderbilt*, wholly dependent on her engines, and requiring, as it appears from the record, 2,000 tons of coal in little more than six weeks, was a most unsuitable ship to send upon such service, besides which, her extreme vulnerability was palpably against her. The crowns of her huge boilers, the cylinders, condensers, and almost all the working parts of her engines, were far above the water-line, and her two great 'walking beams,' with their ponderous connecting rods, stood many feet above her upper deck. All of the fore-going were exposed to shot, and the space they occupied was so large that she could only have escaped being disabled by a mere chance, before she could have closed with either the *Alabama* or *Florida*. I feel bound, however, to mention that the Secretary of the United States Navy, in a report dated December 7th, 1863, announces in effect that the protection of the foreign commerce of the country was not thought to be of such paramount importance as the sealing up of the Southern ports, for he says that even if the probabilities of encountering the Confederate cruisers 'were greater than they are . . . it would not promote the interests of commerce nor the welfare of the country to relax the blockade for that object.'\*

It was of course open to the United States to adopt whatever war policy they thought best, but it must have required some boldness, or some obliquity of vision in regard to the fitness of things, to claim compensation for maintaining such wretchedly inappropriate craft as are mentioned above for the purpose of pursuing the *Alabama* and her consorts.

When the determination to attack the commerce of the

\* Quoted in 'British Counter-Case,' p. 140.

United States was settled by the Confederate Government as a leading purpose of its policy, efforts were promptly made to carry it out. The only suitable ship remaining in the Confederate ports was secured, fitted out, and despatched from New Orleans, and an agent was sent to Europe to obtain proper vessels for the same purpose. The particulars of the necessary proceedings to carry out the above-mentioned policy have already been narrated, but the *Sumter* was hardly at sea, and the agent had scarcely reached the field of his operations in England, before it became manifest that there was pressing need of a naval force to defend the numerous inlets which penetrate the Southern coast, and to protect those harbours which could be used for blockade-running. To provide the vessels for those necessary purposes the Navy Department was compelled to rely upon such means as were close at hand, and the poverty of the country was at once revealed. The United States possessed all the resources, machine-shops, and skilled labour necessary to quickly prepare vessels suitable for operating on the Southern coast. There were four national dockyards, and large supplies of materials at each, and at certainly three of the principal Northern sea-ports there were private shipbuilders, quite capable of undertaking almost any description of Government work. It is hardly necessary to add that there were many machine-shops, cannon-foundries, and powder-mills in the Northern States, and there was also an ample supply of coal and iron. These are patent facts, and need no proof. The Navy Department of the United States had then at its command everything that could be desired, or at any rate, all that was really indispensable for the construction and equipment of any description of vessels which ingenuity and experience suggested

as best suited for blockade, for attacks upon the Southern coast defences, or for operations in the shallow sounds and inlets which penetrate the shores of nearly every State from Virginia to Texas. The utter destitution of the South, both as regards materials and the means to make use of them, has already been explained in a previous chapter. There was but one public dock-yard, which, however, the Federal forces had greatly injured before abandoning it, and there was not a single private yard fit to undertake work of any importance. There was but one foundry, the Tredegar Works, at Richmond, capable of casting a large gun, and that was the only establishment where forgings of any importance could be effected. Everyone knows that the South was destitute of iron, and the supply of coal was limited in quantity and poor in quality.

The Confederate Government appears to have had no difficulty in learning the general purposes of the enemy, and it was soon known that Monitors and other descriptions of iron-cased vessels were building at the North, and that the foundries were turning out 11-inch and 15-inch guns for their armament. It was impossible to build any vessels wholly of iron at the South, because, in the first place, the necessary material was wanting, and secondly, there was no machinery or appliances for manufacturing angle iron, or bending frames, etc. All the Confederate Navy Department could do was to select the points least accessible to the enemy or which could be most surely defended, and then lay down wooden vessels, which could be cased with iron afterwards. It was necessary to use green timber, because there were no stored-up supplies, but that would not have been of much consequence if the vessels could have been quickly built and otherwise prepared for

service. The necessities of the situation demanded quick completion, and not durability of structure. But while the materials were faulty, and the suitable places for laying down the ships were few, there was no compensation in the ability to make speed with the work, because of the scarcity of skilled labour.

I have not the documentary records necessary to give a systematic account of all that was attempted, but the very best vessels which it was possible to complete were mere make-shifts. They were plated either with layers of thin iron, insufficiently bolted, or with ordinary railway metals ; and the difficulty of bending the plates and rails and fashioning the timber backing compelled a resort to the weakest forms of structure, both as regards the power to resist shot and to secure small openings for ports. But the inefficiency of the vessels in respect to strength and suitability of design was still further increased by the want of sufficient motive-power to admit of their being properly manœuvred.

Two or three examples will suffice to demonstrate the unhandiness of the miserable make-shift vessels which were provided for the defence of the most important points. The *Tennessee* was built at Mobile,\* and was the mainstay of the defences at that harbour. She was an unwieldy structure, the armoured portion being a citadel 79 feet by 29 feet inside of the backing, which was composed of timber and plank 25 inches thick. The citadel was constructed with a sloping roof, having an inclination of thirty degrees ; and the iron casing was composed of 2-inch and 1-inch plates laid on to the thickness of 6 inches, decreasing in some places to 5 inches. The vessel herself was 209 feet by 48 feet beam, and

\* The wooden hull was built at Selma, 150 miles up the Alabama river, and she was towed to Mobile to receive her plating, engines, and equipment.



her draft of water was 14 feet. The armament was composed of six 6 and 7-inch cast-iron guns, which had been rifled and strengthened by shrinking wrought-iron bands upon the breech sections. This vessel, unshapely in design, and not over-strong either for defence or attack, might nevertheless have made a formidable, perhaps even a successful, resistance to the entrance of Admiral Farragut's fleet into Mobile if she had been provided with a pair of powerful engines working twin screws; but her power of locomotion consisted of the paddle-engine of an ordinary river steamer, which by an ingenious contrivance was made to work the screw-shaft, but it was quite inadequate to manœuvre the ship efficiently, and she had therefore neither the speed nor the ability to reverse quickly which are so essential in an armoured vessel with a fixed battery and designed to be used also as a ram.

Two vessels of formidable dimensions and design were laid down at New Orleans, but, in spite of the greatest exertions, only one was so far finished as to be able to take part in the defence of the river. The name of the one nearly completed was the *Louisiana*. She was hurried down to the neighbourhood of Forts Jackson and St. Philip three days before Admiral Farragut's successful attempt to force the passage, but she was in very poor condition to offer any effective resistance. She had a central 'casemate,' or citadel, for the protection of the battery, and was cased with a covering of double T-rails, as a substitute for plates, which could not be obtained. The iron-casing was not completed when she left New Orleans. Her engines being still unconnected, two tugs were employed to tow her down, and gangs of mechanics were still at work upon engines and hull while she was thus in tow. The crew were chiefly raw hands, reinforced by a company of artillerymen who had

volunteered for the occasion ; and they were actually mounting the battery while *en route* for the scene of battle. Up to an hour before the Federal fleet advanced to the attack she had not motive-power to stem the current ; indeed, it was found impossible to shift her berth or to wind her under steam, and as a last necessity she was lashed to the shore under Fort St. Philip, in which position she could only use a part of her guns.\*

Two armour-cased vessels were built at Charleston. After many months of hard work they were got ready for service ; but in their case, as in most of the others, the engines were the chief defect, and proved upon actual trial too weak, and otherwise unfit to manœuvre the vessels efficiently. They were, nevertheless, taken out of the harbour one night, and dispersed the blockading ships ; but, owing to insufficient steam-power, they were unable to pursue, and one of them was barely able to get back to a safe anchorage in the harbour.

The *Arkansas*, another Confederate iron-cased ram, deserves a passing notice. She was built at Memphis, and when nearly finished was taken up the Yazoo River for greater safety, and was there completed. On the 15th of July, 1862, she dashed out of the Yazoo into the Mississippi, dispersed three Federal ‘ironclads’ who tried to block the way, and passing through Admiral Farragut’s fleet, which lay directly in her route, receiving the broadside of nearly every ship at point-blank range, she escaped unharmed, and let go her anchor under the batteries of Vicksburgh. On the 5th of August following, she attempted to go down the river to co-operate with General Breckenridge in an attack upon Baton

\* The consort of the *Louisiana* was in such an incomplete state that she could not be used for the defence of the river at all, and she was destroyed after the Federal fleet passed the forts.

Rouge; but the engines, always the weakest point in these unhappy vessels, gave way, and not only caused the failure of the expedition, but the loss of the *Arkansas* herself. A short distance above Baton Rouge her port engine broke down, but was got in fair working order. She was compelled to lay at anchor all night to effect the repairs, and the next morning she got under weigh, and soon met the Federal 'ironclad' *Essex*, which, with other gunboats, was approaching to attack her. At this critical moment the starboard engine gave way, and the patched-up port engine proved wholly powerless to control her movements. The unfortunate craft was thus rendered helpless and unmanageable, and the officer in command, Lieutenant Henry K. Stevens, found himself face to face with one of two alternatives, the destruction of his vessel by himself, or her capture by the enemy. He chose the former, and he succeeded by great efforts and clever expedients in landing her upon the river bank, where he set her on fire, and she burned to the water's edge and blew up, although every effort was made by the enemy to secure her.\* The enemy's gunboats perceived that something was wrong with the *Arkansas*, and had opened fire upon her before Stevens succeeded in placing her against the bank, but he effected his purpose and escaped with his officers and crew.

I have selected for examples the very best of the iron-cased vessels the Navy Department was able to construct within the Confederate States, and it will be admitted that they were a very inefficient means of defence against the well-equipped, well-manned, well-armed, and powerfully engined vessels of the United States navy.

Admiral Farragut appears to have had a deep-rooted and ineradicable dislike, and even contempt, for 'iron-

\* 'Life of Admiral D. G. Farragut,' p. 289.

clads,' and his feelings in regard to them are often expressed in language which is both vigorous and comical. Writing from Pensacola, August 21st, 1862, he says:—'We have no dread of "rams" or "he-goats," and if our editors had less, the country would be better off. Now they scare everybody to death.' Again, September 3rd, commenting upon an order he had received from Washington to destroy the *Arkansas* 'at all hazards,' he says:—'I would have given my Admiral's commission to have gotten up to the *Arkansas*. I wanted a wooden ship to do it. The ironclads are cowardly things, and I don't want them to succeed in the world.' But notwithstanding the above opinions, her destruction drew from him the following remark in a report to the Secretary of the Navy:—'It is the happiest moment of my life that I am enabled to inform the Department of the destruction of the ram *Arkansas*, not because I held the ironclad in such terror, but because the community did.\* The fact is, that with the gallant Admiral ignorance, or perhaps I should say inexperience, in regard to the power of a really efficient armoured vessel, was at the bottom of his blissful indifference.

It is certainly no vainglorious boast, but the mere expression of a professional opinion founded upon some knowledge of the structure of such vessels, which impels me to say that if the two Liverpool rams which Earl Russell detained at the request of Mr. Adams had been off Sand Island Light in August, 1864, the United States fleet would not have got into Mobile Bay, or if two similar vessels had been at the head of the passes of the Mississippi in April, 1862, no naval force then at the disposal of the United States could have passed up to the Crescent City. Admiral Farragut never encoun-

\* 'Life of Admiral D. G. Farragut,' pp. 289, 293, 294.

tered an ironclad fit for the proper work of her class. The *Tennessee* was so deficient in steam-power that she could neither be used efficiently as a ram nor avoid being rammed by the attacking ship. The diagram annexed to the plan of the naval engagement in Mobile Bay represents the *Tennessee* with a Monitor and three wooden ships, one bearing the Admiral's flag, ramming her on the port side, and a Monitor in a raking position under her stern. Admiral Farragut says 'she was sore beset,' and 'we butted and shot at him until he surrendered.'\* No professional man will doubt that if the *Tennessee* had been a properly constructed ironclad, with engine-power suited to her size and weight, she would have made short work of her wooden adversaries. But she was well-nigh helpless as regards ability to manœuvre, and her consorts were three insignificant little wooden craft, not fit to be classed as fighting ships for line-of-battle at all.

When the Secretary of the Confederate Navy and his professional advisers perceived the necessity of providing vessels for harbour and coast defences, their first perplexity was the selection of suitable sites for building them. Even such ports as Savannah, Charleston, Mobile, and New Orleans, which offered the greatest facilities, were so poorly protected by fortifications that for at least six months after President Lincoln's proclamation of blockade they were at the mercy of the United States navy. I have not the least hesitation in saying that up to January and February, 1862, both Savannah and Wilmington could have been entered by the Federal vessels then blockading them. The foregoing opinion is based upon a personal inspection of the defensive works, and close daily examination of the ships off the ports, with

\* 'Life and Letters,' pp. 423, 433.

good glasses, which enabled me to clearly determine their class and effective strength, and in some instances to identify particular vessels. The great sounds and estuaries which abound along the Southern coast were wholly indefensible by any means in the power of the Confederate Government, and several large rivers, upon which building-yards might have been and in fact were established, afforded access to Federal vessels ascending from the sea, and others, taking their rise within the territory held by the United States, afforded equal facilities for the descent of the enemy's gunboats, which his command of labour and material enabled him quickly to complete.

Blockaded and threatened by the way of the sea, liable to attack through numerous inlets and navigable watercourses, and open to invasion along many hundreds of miles of defenceless frontier, it was manifestly a difficult and perplexing problem to determine how the enemy could be held aloof from the very heart of the country, and from the localities where vessels could be built so as to be safe from hostile attacks before completion, or to be within possible reach of the coast when finished. By midsummer, 1861, some twelve or fifteen wooden gunboats were laid down on York river and the Pamunky in Virginia, and others were contracted for at New Orleans, on the St. John's river in Florida, at Richmond, Norfolk, Charleston, Savannah, and the Chatahoochee. Afterwards additional vessels were started at Memphis and Nashville. The foregoing were not intended to be armoured, but after the achievements of the *Merrimac* in Hampton Roads, every possible exertion was made to build iron-cased vessels at Charleston, Savannah, Wilmington, Richmond, and on the inland waters of Alabama, Georgia, and the Carolinas.

Many of the vessels, while in course of construction, were destroyed to prevent their capture by the enemy, and in other cases they were hurried off in very incomplete condition to safer retreats. Thus all of those building on the York and Pamunky rivers were burned when General Johnston was forced back upon Richmond by the advancing columns of General McClellan, whose flanks were covered by naval flotillas on the James river and on the York. Two were lost by the capture of Nashville; others, being still on the ways, were necessarily destroyed when Norfolk was evacuated, and one (the *Arkansas*) was hurried up the Yazoo river in an incomplete state, as already mentioned above.

It will thus be perceived that the effort to build a naval force within the Confederacy was attended with many difficulties. The progress of the work was often checked, and often wholly interrupted by the imminent danger of attack, and the labour and expenditure of months was sacrificed, sometimes, as in the case of the two formidable vessels at New Orleans, when they were nearly ready for effective use. For the equipment of the home-built ships it was necessary to construct and to organize ordnance works, laboratories, and machine-shops, and establishments of the kind were improvised under great difficulties at Richmond, Charlotte in North Carolina, Atlanta in Georgia, and Selma in Alabama. Those points were selected because they were well in the interior, and were thus as safe as possible from the danger of sudden attack and destruction; but that essential advantage was not free from a counterbalancing inconvenience, in the circumstance that they were far removed from the building sites, and every piece of machinery, and every gun, however heavy and difficult to handle, had to be transported many miles along rail-

ways already overworked by the necessary transportation of supplies for the army, or, in some cases, even by ordinary country roads.

The officers of the Confederate navy had so few opportunities to manifest their professional acquirements and personal qualities—indeed, so few of them were employed in strictly naval operations at all—that scarcely more than some half-dozen will find their names recorded in any future history, and the Confederate navy as a corps will hardly appear as a factor in the Civil War. And yet I may venture to say that among those who held the naval commissions of President Davis, were men who would have dared anything, and who would have won a place in history, and made their short-lived service famous, if they had only possessed the materials to work with, and the opportunity to use them. I would not fear to put that proposition to the surviving officers of the United States navy who are old enough to have known and who still remember their former colleagues, and I would deposit a large stake on the result of the ballot. It would be neither generous nor judicious—I feel that it would not be even just in me—to thrust too prominently forward the names of those officers who came under my personal observation under trying conditions, and in whom I had the opportunity to discover distinguished fitness for naval enterprises. My purpose is to manifest a just appreciation of the merits and services of every officer whom it is necessary to mention by name, but to avoid every expression of praise that may approach to personal panegyric.

The Confederate navy had great disappointments to bear, and speaking of the corps collectively, it may be fairly said that they bore the trial patiently. At first there was some little strife about the adjustment of rank,



but it soon ended, and every man submitted uncomplainingly to the necessities of the situation, and officers who were fit to direct squadrons, and to conduct important operations, were content to command paltry flotillas of converted river-craft, or hastily and imperfectly constructed gunboats, poorly armed, and with manifestly insufficient motive-power. With such wretchedly inadequate means they had to meet powerful ships of modern construction, armed with guns of the newest and best type, conscious alike of the hopelessness of the struggle and the impossibility of achieving the least personal renown.

It requires a high degree of moral courage for a military or naval officer to undertake an absolutely necessary service, when his professional knowledge and experience assure him that the enterprise contains no element of success, and when he is conscious that the inevitable failure will bring upon him the disparaging criticisms, and often the hostile censure, of an expectant but unreasoning public. Such were the conditions under which Hollins attempted to block the river-route to island No. 10, and Mitchell the passes of the lower Mississippi; and Tattnall, Lynch, Buchanan, and Richard L. Page undertook to defend the great North Carolina Sounds, and the water approaches to Charleston, Savannah, and Mobile, under equally depressing circumstances. Those men and their brother officers generally submitted to the personal mortification of defeat with dignified composure, and at the end of the war they retired to private life, and in many cases to a hard and precarious struggle for maintenance, with a degree of patient acquiescence which was creditable to their manhood.

I have never heard a single ex-Confederate officer

speak disparagingly of the achievements of his former colleagues who remained in the United States navy and who rose to rank and fortune in consequence of the war, and I have never met one who appeared to be ashamed of his own position, whether, like gallant old Tattnall, he was employed as inspector of the port of Savannah on the modest stipend of \$1,200 a year, or serving out tea and sugar from behind the counter of a general grocer, as some I know have done. It is probable that there are still many persons who deny both the expediency and equity of 'secession.' There may be some cantankerous spirits who still maintain that 'traitor' and 'rebel' are appropriate epithets to apply to those officers whose hearts and consciences impelled them to surrender place and fortune for the sake of a principle ; but I will hazard the opinion, that all who are capable of justly estimating the difference between honour and shame will admit that if the Confederate naval service has no brilliant victories to record, and gained no purely naval honours, it has manifested in its reverses qualities which are essential ingredients of genuine heroism. Success was not within its grasp, but the failure was not ignominious. The allotted duty was perilous, and the effort was unavailing. The defeat was decisive, and the immediate consequences were crushing, but the courage which sustained the shock of battle has been supplemented by the patient fortitude necessary to endure the calamity, and thus the effect of the sting has been greatly soothed.

The selection of suitable building sites for vessels, and safe positions for laboratories and machine-shops, was only the initiatory work of preparing a local marine force. The materials had to be brought to the manufacturing points, chiefly in the raw state, and to a great extent absolutely in the condition of their primitive

elements. At the Norfolk Navy Yard there was fortunately a considerable number of naval guns of varying calibres, and there was also a moderate quantity of shot and shell ; and the powder-magazine, with its contents, was saved through the exertions of a few Virginian naval officers who had resigned their commissions in the United States service, but had not yet been commissioned in that of the Confederacy. Those officers organized a party which removed a great portion of the powder, and showed such a determination to resist any attempt to damage the remainder or to injure the building, that when the dockyard was partially destroyed and evacuated by the United States naval forces at the time of the secession of Virginia, they left the magazine intact.

But the guns thus saved were almost exclusively of the old smooth-bore type and pattern, and were not therefore fit to be pitted against the modern Dahlgren, Parrot, and other ordnance with which the wooden ships and the newly constructed Monitors and ironclad gun-vessels of the United States navy were armed.

The Confederate Navy Department was happy in the selection of the officers to organize and administer its ordnance branch. At first the only possible resource was to utilize the old guns found in stock. The material of those guns was fortunately good, and generally they were heavy in proportion to their calibre. Some of them were rifled without enlargement of bore, others were reamed up to larger calibres and then rifled, and all, when thus prepared, were strengthened with wrought-iron bands shrunk on between the breech and trunnions. It was then necessary to provide elongated shot, shell, fuzes, sights, and other delicate equipments, all of which had to be designed and manufactured quickly, with

indifferent means, and without the possibility of submitting them to the tests of careful experiment and comparison. I feel sure that the naval officers employed in the Ordnance Bureau will not object to my selecting Commander John M. Brooke for special mention in connection with that department of the service. The fact that his name was given to the improvised ordnance of the Confederate navy is at once a testimony to the value of his efforts, and a justification for the very imperfect tribute to his zeal and intelligence I have it in my power to put on record. Whatever serious injury the Confederate gunboats or iron-cased vessels were able to inflict upon the enemy's ships was effected with the 'Brooke gun,' and the large orders for ordnance stores which were sent to Europe, and which passed in due course of business through my hands, bore the stamp of his sagacious judgment and discreet supervision.

But notwithstanding the utmost efforts of those on the spot, and the most ingenious devices, the home resources proved insufficient for the equipment of the vessels built within the Confederacy. It soon became manifest that the most essential articles could only be obtained in the necessary quantity abroad, and the finances of the Navy Department were never able to wholly, or even at times promptly, supply the demands of the service within the Confederacy, and the drain of the ocean cruisers and the general European undertakings as well. The shifts to which the Confederate Government were compelled to resort in the effort to equip their military and naval forces were exceptional and peculiar, but the consequences of putting off the preparation for war until hostilities are imminent were so clearly demonstrated by the events of 1861-65, that no statesmen who have given due attention to the

progress and result of the American Civil War will be inclined to run the risk of a great future peril for the sake of a present show of economy.

Geographical position, climatic and other physical causes, made the Southern States almost exclusively agricultural in their habits and industries, and although the people were martial in their instincts, and furnished a due quota of officers for the military and naval services of the Federal Union, yet it is well known that the principal Government factories for arms of all kinds, and the principal arsenals for the storage and preservation of the war material of the country, were in the Northern States. Some years before the war, the small arms had been removed from the arsenals at the South to Springfield and other national gun-factories at the North, for the purpose of being converted into a more modern type, and at the date of the outbreak of hostilities a large portion of them had not been returned. The great cannon foundries and powder-mills were also at the North, and hence the accumulation of war material of every kind had always been far greater in that section of the country than in the other.

So long as the States were in friendly harmony and in close national union, the foregoing arrangement did not appear to be dangerous or especially inconvenient, because in case of a foreign war and the probability of invasion, both arms and munitions could be rapidly distributed. The Southern States retired from the Union singly and at intervals. None of them applied for their quota of arms at the time of their secession, and probably would not have received them if they had done so, and hostilities began so soon after the formation of a Southern Confederacy and a general Government (which at first was only provisional), that there

was no time to make ready. The foregoing is, in brief, the only explanation which can be given of the seeming fatuity of the South in venturing upon a great war without due, or indeed without any, preparation.

The destitution was not the result of unwise parsimony in the past administration of public affairs, nor wilful apathy on the part of those who were suddenly summoned to manage them. The position was simply this: a close and confidential partnership was suddenly and violently dissolved, and the assets of the firm remained chiefly in the possession of one of the partners.

When I was first sent to England in May, 1861, the Secretary of the Navy directed me to buy, and forward with prompt despatch, a very considerable quantity of naval supplies, but the most pressing and immediate want at that time appeared to be arms and ammunition, and the original orders were almost exclusively limited to those articles. As soon as the determination to build gunboats at the home ports and on the inland waters was put into active operation, it became necessary to take a more comprehensive view of the wants of the service, and it was at once perceived that the vessels could not be suitably equipped without largely supplementing the home supply of every article essential to the outfit and maintenance of a fighting ship. Orders were at once sent to me in England for every description of naval stores, including such articles as submarine batteries and wire, accoutrements for marines, clothing, blankets, iron in every form required for ship-building, tools, and skilled mechanics to use them, small marine engines for torpedo-boats, powerful marine engines for ironclad gunboats, and, in addition, large requisitions for special ordnance stores, according to lists and specifications especially drawn up by Commander Brooke. The last-

mentioned included many articles of delicate, or at least nice mechanical design, and careful supervision and inspection was necessary to ensure exact and satisfactory perfection of finish, both in workmanship and material.

Among the officers sent to Europe for service in the ironclad vessels it was hoped might be got to sea was Lieutenant William H. Murdaugh. Besides having the special experience and general professional knowledge which fitted him for ordnance work, he possessed admirable tact and judgment, and also the reticence and faculty of self-control which are essential for the satisfactory performance of duties requiring secrecy. The special ordnance stores were nearly all overlooked and certified by him. The whole of the work was performed creditably, and the goods passed out of the manufacturer's hands, and went through the shipping-ports without attracting notice or causing any embarrassing scrutiny. The execution of the foregoing special orders brought Lieutenant Murdaugh into constant and confidential communication with me, and I was most desirous to appoint him to another and still more important service, but the war came to an abrupt end just before the maturity of the enterprise in which he was to have had a leading part.

The orders for general naval supplies arrived in England at a time when the contracts for the cruising ships were in full operation, and they alone would have absorbed more than all the visible financial resources of the Navy Department. But the excessive demand for war material occasioned by the wants of both belligerents, coming unexpectedly even upon so ample a market as that of Great Britain, rendered it impossible to execute the orders *en bloc*—in fact, the requisitions followed each other and were cumulative, hence it was

both admissible and prudent, as a matter of economy, to make forward contracts providing for a steady periodical delivery of the goods.

The earliest remittances from the Navy Department were made in the form of bank credits and sterling bills, and they were not accompanied with any explanation of the means by which they would be continued. It was manifest that the supply of sterling and the accumulation of private funds in the hands of British bankers would soon be exhausted, and the Confederate Treasury would be compelled to devise some other means of making the Appropriation Bills passed by Congress available in Europe. The shoe soon began to pinch. Under date of April 30th, 1862, the Secretary of the Navy, discussing the contracts on account of his Department, wrote thus:—‘I have placed about \$1,000,000 to your credit with Messrs. Fraser, Trenholm and Co., for these objects, and hope to increase the amount to \$2,000,000 soon.’ The above was in addition to the remittances in sterling previously mentioned. In reply to the financial portion of the foregoing letter, I reported under date of July 4th, 1862, as follows:—‘The credit of your Department is thus far very sound, as I have been able to pay all liabilities very promptly. There is a double advantage in basing all transactions upon cash payments—work is more quickly done, and you have the benefit of a liberal discount. In some of my contracts the discount for cash has been as high as ten per cent. The contracts alluded to in the cypher are for a very large amount, but not so large as the sum mentioned in your letter of April 30th, which you inform me will be put to my credit with Messrs. Fraser, Trenholm and Co. for the specific purposes referred to in that letter. With the various incidental expenses attending such contracts,



and the cost of what you are well aware must be the necessary adjuncts, the entire amount mentioned in your letter would be absorbed, and I sincerely hope the remittances will be regular and ample. I feel called upon to say, however, that money appropriated in Richmond is very much reduced in amount when converted into pounds, shillings, and pence, by the high rate of exchange, and that to complete the outstanding contracts will require £390,000 (three hundred and ninety thousand pounds).'

Before the above letter reached Richmond the Secretary of the Navy had been fully aroused to the importance of keeping up the supply of funds, and the correspondence manifests that he laboured earnestly to that end. The Confederate Congress was liberal in voting money grants, as was manifested in the appropriation of \$10,000,000 to the Navy Department 'for building ironclad vessels in Southern Europe.' I have never heard that the votes asked for by either of the fighting Departments were ever cut down or refused. But it was one thing to have a vote of credit, and quite another to make that credit available for use in Europe. The manner of proceeding at the beginning of the war, and until the latter part of 1863, was as follows:—Congress appropriated certain sums in gross for the building of ships and the purchase of naval supplies, which could only be procured abroad. The Secretary of the Navy made requisitions upon the Treasury for the amount of the appropriations, and received in payment Treasury notes, which were available for all local purposes, but could not be used in their original form for purchases abroad. He was therefore compelled to devise some means for converting the Treasury notes into foreign funds, and the only course open to him after the

supply of sterling was exhausted was to buy cotton and other produce, and ship them through the blockade to the Government bankers, Messrs. Fraser, Trenholm and Co., whose instructions were to place the net proceeds to the credit of the representative of the Navy Department in Europe.

The War Office at Richmond included several distinct Bureaux, designated by the titles of 'Ordnance,' 'Provision and Clothing,' 'Medical,' 'Nitro,' etc.; and the funds of that Department were apportioned between those several Bureaux, and credited to each specifically in the books of Messrs. Fraser, Trenholm and Co. There was a corresponding division of offices in the Navy Department also; but the Secretary of the Navy at a very early date adopted the view that it would be more convenient to keep the whole of the financial resources appropriated for naval uses abroad in the form of a general credit on behalf of the representative of that Department, and Messrs. Fraser, Trenholm and Co. were instructed to open an account with me, and to place the proceeds of the cotton shipped for account of the navy to my credit. In advising me of the foregoing arrangement, Mr. Mallory instructed me to keep the accounts of the several Bureaux separate, and to charge each with the specific expenditure on its behalf; but he explained that his object was to relieve me from the very possible embarrassment of receiving an order for supplies at a time when there might be no funds to the credit of the special Bureaux to which the order referred, and I would have to wait for authority to make the necessary transfer. This arrangement was a bold departure from the customary 'red-tape' of departmental routine; but as the Secretary of the Navy had been a participator in revolutionizing the Government of the United States, he

did not shrink from originating a minor revolution in the mere matter of official book-keeping.

At any rate, the arrangement worked satisfactorily. I never had the least trouble with the accounts, while my colleague of the War Department was often forced to make complicated arrangements with the bankers, and sometimes to assume grave responsibilities in pledging the credit of the Government, while waiting for instructions to use the surplus funds of one Bureau to meet the deficit of another. The anxiety of Mr. Mallory on the subject of providing and maintaining the 'ways and means' was clearly and strongly manifested in his correspondence. Under date of September 20th, 1862, he wrote thus:—

'Since then (namely, the date of my last report), I have endeavoured to place in your hands the balance of the funds required for your operations, but the exchange of the country is nearly exhausted, and can only be procured in very small amounts. . . . Cotton goes out in but very small lots, and this, our only source for obtaining exchange, cannot meet a tenth part of our wants. It is evident to me, therefore, that we cannot rely upon exchange for placing you in funds, and that other means must be resorted to. If the agent of the Treasury Department can dispose of Confederate Bonds, even at fifty cents, he will do so; and he is instructed in this event to pay your requisitions upon him, to enable you to complete your contracts. Another suggestion occurs to me which you may act upon. You may possibly be able to obtain advances upon our agreement to repay the amount with eight per cent. interest in cotton, the question of the price of the cotton to be determined when the advances are made; and this price may be stated,

or you may agree to deliver the cotton at the current rates here when called for. You might offer another proposition, viz., that the amount of all advances made to you will be expended here by the Treasury Department in the purchase of cotton on account of the creditor, he being allowed the difference of exchange between Richmond and London. Cotton thus purchased would be stored by the Treasury, and kept with all the care and diligence which the legal consequences of such a contract would involve, and transportation to the sea-ports and all facilities of shipment would be extended, none but the necessary expenses incident to such storage and shipment being required. Cotton thus purchased would be regarded and treated as the property of the British creditor. . . . Do not permit our credit in Great Britain to suffer, if by any legal act, or the exercise of all your energy, you can avert it.'

In addition to the foregoing, the Navy Department sent out large amounts in Confederate Bonds, with the necessary authority to negotiate them, or to use them in any possible way. It was found, however, that sending bonds to different parties did not work satisfactorily. Even the *bonâ fide* agents of the Government, each desirous to use them to the best possible advantage for his own special purposes, became practically competitors one with the other.

The agents abroad perceived and reported the consequences of this unavoidable competition. The authorities at Richmond recognised the unsatisfactory character of the practice, even before the reports from abroad were received, and in September, 1863, the Hon. J. P. Benjamin, being then the Secretary of State, drew up a scheme which provided for a special fiscal agent, who

should be empowered to deal exclusively with all bonds. The various heads of departments agreed to the arrangement; each agent was directed to surrender all bonds in his possession to the fiscal agent, General C. J. McRae, who was instructed to negotiate them, and to distribute the proceeds *pro rata* among the special agents.

The first efforts to ship cotton to Europe on Government account were attended with great difficulty and delay. The ships engaged in the blockade trade were owned exclusively by private firms who wanted the whole of the freight space for their own account. The few steamers bought by the Navy Department within the Confederacy would have been fit for voyages to Bermuda and the Bahamas, but they were absolutely required for the defence of the home ports and rivers, and had already been armed and assigned to that service. Nevertheless, the Navy Department managed to export the staples in quantities which would have been thought large if they had been made on private account. On the 29th of December, 1863, the Secretary wrote me as follows:—‘Up to this date thirty-one hundred bales of cotton have been shipped from Charleston and Wilmington *via* Bermuda and Nassau, to go thence to Messrs. Fraser, Trenholm, and Co., to your credit, and shipments are now being made nearly every week. I have not sufficient information from our agents at the other ports to enable me to advise you of the whole number of bales they have shipped, but I have reason to know that the losses by capture have been inconsiderable.’ At a subsequent date he wrote me thus:—‘Twelve thousand bales have been purchased by this Department . . . and will go forward as rapidly as the limited means of transportation will admit.’

The Secretary of the Navy wrote so often and so strongly in reference to the difficulty of placing funds in Europe, that I ventured to suggest, as early as January, 1863, that the Government should 'have its own fleet of packets to ply direct, and thus escape the killing freights on private steamers.' Invited by the Secretary of the Navy to communicate freely and to make suggestions on that important subject without hesitation, I wrote him in October, 1863, as follows:—

'I learn from Mr. Charles R. Prioleau that since the beginning of the war 100,000 bales of cotton have been run through the blockade on account of various mercantile houses, and this lucrative trade not only continues, but arrangements are now in progress to enlarge it. At present prices, 100,000 bales of cotton would yield nearly double the net amount of the proceeds of the Erlanger Loan, and it would seem not only advisable, but absolutely necessary, for the Government to take the trade into its own hands. Southern merchants would be deterred by patriotic feelings from complaining of such an interference with their customary traffic, and those foreigners who have already made abundant profits would have neither right nor reason to murmur. An agent of your Department in the regular receipt of cotton, even though in moderate quantities, would have an established credit, and could extend his operations with a feeling of confidence. . . . If we could accumulate a considerable supply here, the Government through its mercantile agent would not only rule the market, but important political influences might be brought to bear.'

Replying again to the inquiries of the Department in reference to financial matters, I wrote on November 25th, 1863:—

‘Undoubtedly the most tangible and most readily available source of money supply is the cotton itself, and although the risk of capture is great, and the cost of transportation heavy, the profit is so large that this mode of remittance offers the surest and speediest return, besides being eventually the least burdensome to the country. I feel justified, therefore, in urging the expediency of sending out cotton as rapidly as possible, and, if you think proper, I can build two or three fast light-draught paddle-steamers to do the work between the Confederate States and the islands, so that you might control all the shipments for your own Department, both ways.

‘This would be a good operation in any event. A successful voyage or two would pay for the ships, and if built to order and properly constructed, they would be well suited to the coasting trade, and in the event of peace would meet a ready sale. . . . The vessels now under construction by builders, and those lately finished for blockade-running, are hurriedly put together, and are too light for long wear and tear, but in five months staunch and really serviceable ships could be built, and if your view of the probable duration of the war would justify looking that much ahead, I respectfully recommend the above proposition to your consideration.’

Again I wrote :—

‘If the Navy Department would take the blockade-running business into its own hands, it might soon have a fleet of formidable swift light-draught steamers at work, so constructed as to have their engines and boilers well protected either by coal when the bunkers were full, or cotton when they were empty. The beams and decks of the steamers could be made of sufficient strength to bear heavy deck loads without exciting suspicion, and

then, if registered in the name of private individuals, and sailed purely as commercial ships, they could trade without interruption or violation of neutrality between our coast and the Bermudas, Bahamas, and West Indies. When two or three of the vessels happened to be in harbour at the same time, a few hours would suffice to mount a couple of heavy guns on each, and at night, or at early dawn, a successful "raid" might be made upon the unsuspecting blockaders. From time to time two or three of them might be filled with coal, and sent out for short cruises off Hatteras and in the Gulf of Mexico, from Mobile, to pick up transports, etc. After a raid or cruise, the vessels could be divested of every appliance of war, and resuming their private ownership and commercial names, could bring out cargoes of cotton to pay the expenses of the cruise, or to increase the funds of the Government abroad. Such operations are not impracticable, and if vigorously carried on without notice, and at irregular periods, would greatly increase the difficulty of blockading the harbours, and would render hazardous the transportation of troops along the line of the coast and through the Gulf of Mexico.'

In addition to the remittances by sterling bills, by Confederate bonds, and the shipment of cotton, the Secretary of the Navy secured the appropriation of a very full proportion of the loan commonly called the Erlanger Loan to the use of his Department.

The foregoing statements in respect to the supply of funds for naval purposes are perhaps of no great historical importance now, but the Southern people made unparalleled, or at least unsurpassed sacrifices to effect their separation from the Federal Union, and I cannot divest myself of the feeling that this narrative is somehow in the nature of a report to them of the use that



was made of the resources which were drawn from their very blood.

Thousands of persons at the South knew (the knowledge, unhappily, was only too current) that the Government were making efforts to obtain ships-of-war in Europe. That which was only a hope with those in authority became a settled conviction and a fixed expectation in the minds of the people generally. The appearance of an ironclad fleet to open the blockade and to cover the import of the much-needed and longed-for supplies was not to them a mere vision of fancy: it had become to many a reality which they thought might be accomplished any day. They looked for the expected succour with confident desire, and the disappointment was great in proportion to the height to which their hopes had risen.

The Southern people in the aggregate exhibited so many admirable qualities during their struggle, and the consequences of their defeat were so overwhelming, that the failure of any particular enterprise, or the efforts of any one individual, however important may have been his office, is hardly worthy of mention now. But people who are brave in the presence of danger, and patient under the infliction of suffering, are not likely to be wanting in generosity, and the survivors of those who made the sacrifices and suffered the disappointment will be glad to learn that the men who were placed in charge of the great Administrative Departments of the Government were conscious of the responsibilities of their position, and devoted their faculties with zeal and singleness of purpose to the service of the country.

As one who was appointed to execute the general purposes of the Administration, I can testify to the earnest solicitude of the Departmental chiefs to provide

the means, and to the encouraging support by words and deeds they always extended to their agents abroad. To say that no mistakes were made would be to affirm that those high officials were possessed of supernatural gifts ; but while the wise and prudent learn perhaps from the failure of great schemes some surer road to success, it is only the weak and foolish who affect a profound sagacity after the event, and become noisy and malicious in their criticism.

The glamour of success imparts a brilliancy to the fortunate enterprise which it is not in the nature of things to expect for the effort which has failed ; but there are always a certain number of discriminating minds who are able to perceive the inherent advantages which have contributed to the success and the insurmountable difficulties which have made the failure inevitable. Mr. Davis and his Cabinet, and the great chieftains like Sidney Johnston, Lee, and Jackson, most of whom have already passed away, may trust their reputations to the impartial historian who will some day write the history of the greatest Civil War which has ever convulsed a nation or astonished the world.

The Secretary of the Navy not only laboured with great earnestness to provide funds, but he certainly wrote always with great frankness, and not only encouraged but directed me to correspond without reserve, and to give him suggestions without hesitation. I never, therefore, felt the least embarrassment in recommending a change of procedure or a fresh departure whenever experience or the outlook from abroad seemed to render a particular course advisable. Difficulty and delay in communicating sometimes prevented the suggestions from reaching Richmond until the most advantageous time for action had passed. Sometimes the experts

at the Navy Department anticipated the suggestions, and orders to execute would cross the recommendations *en route*. In compliance with the general precept to communicate fully and freely, I wrote to the Department on November 7th, 1862, as follows :—

‘It appears from Northern accounts that you are building quite a number of rams in the home ports. It strikes me there must be a lack of engines and the means of making them in the Confederacy. It would take but a short time to run up a number of engines, say from sixty to one hundred horse-power nominal, as would be suitable for any vessels intended for harbour defence. Up to one hundred horse-power good double engines, extra strong and low for small vessels or rams, with large cylinders and boilers in convenient parts, can be built here for forty pounds per horse-power. Larger engines for rather less. I think there would be great economy in ordering a number of engines in England for such vessels as you may contemplate building hereafter. . . . They can be packed very compactly for shipment.’

In reply to the despatch containing the foregoing extract, the Secretary of the Navy wrote as follows :—  
‘Your suggestion as to engines is important. . . . If the conditions of your finances will permit it, build four marine engines to drive twelve feet screws with the greatest power, and send them, if possible, in a vessel belonging to the Government.’

Orders were subsequently sent for two more large engines, and for twelve pairs of engines for torpedo boats. All of the foregoing were intended for vessels either building or which it was the purpose to build in the Confederate ports, and sketches of the engine spaces were sent at the same time, but these were incomplete

as to measurement and in some other particulars, which created delay in the execution of the orders. One very especial order was received in January, 1863, for a pair of engines with fourteen feet screw, 'the engines to be extra powerful, boiler surface to be amply sufficient for working the engines to their extreme power, and all important pieces to be duplicated.' The last mentioned engines were intended for an ironclad, said to be building at Richmond.

I have already stated that the want of skilled labour was a great source of embarrassment to both the War and Navy Departments, and great efforts were made to obtain artizans from abroad. The Secretary of the Navy wrote me urgently on the subject, under date of April 11th, 1863, and directed me to send out mechanics, and if possible a leading man capable of superintending the manufacture of Bessemer steel. There was of course much difficulty in finding men of good character and suitable skill, who would be willing to take the risks of a voyage to the Confederacy, with the very possible chance of capture by a Federal cruiser, and with the assurance of much hardship even after safe arrival at a Southern port. Only trusty and competent men would be of any real service, and it would have been both unjust and impolitic to conceal from them the positive dangers and discomforts of the proposed undertaking. To counterbalance the more moderate but sure and regular remuneration easily earned in England, and the comforts and security of domestic life at home, it was necessary to offer very substantial emolument, and the arrangements required some time to complete.

The result was reported in a despatch treating generally of the subject, and the following extract will

sufficiently explain what it was found possible to effect :—

‘Owing to the high rate of pay they (skilled artizans) receive at home, I have met with unexpected difficulties and delays in the execution of the above project. I have found it wholly impossible to get a man capable of manufacturing Bessemer steel to go at all; indeed, I am assured by the principal manager of the Cyclops Steel and Iron Works that the practical obstacles in the way of starting a Bessemer steel factory in the Confederate States under existing circumstances would be insurmountable. I will report more fully on this point hereafter. . . . I have engaged a Mr. Thomas Ludlam, who has been foreman of the Low Moor Iron Works, to organize a party of skilled mechanics, and to take them out under his own immediate charge in such a vessel as I may provide. Mr. Ludlam is capable of taking charge of a foundry for any kind of work, and, indeed, can select the site, lay out the plan, and superintend the erection of the building and machinery. He can also make the ordinary tools used in such establishments, and understands the use of the steam-hammer. He will take with him three principal under-foremen, three men especially skilled in heavy casting for great guns, three pattern makers, and by his advice I have authorized him to engage what he calls a ‘jobber,’ a most useful man in any iron workshop, a practical man of every trade, who, Mr. Ludlam says, can make a horseshoe or repair an engine. I am told that all the large establishments employ such a person.’

Mr. Ludlam was despatched with his party from England in due course, but unfortunately they got separated at Bermuda, as accommodation could not be found for them all on board the same blockade-runner.

However, the greater part of them got in and fulfilled their engagements faithfully ; but owing to the pressure of the war and insurmountable local difficulties, it was found impossible to construct new works, or even to enlarge those already in operation, and the highest skill and qualities of the imported men could not be fully utilized.

The Confederate Government was represented at Bermuda, Nassau, and Havana by three gentlemen of great energy, industry, and business capacity. Major N. S. Walker, after serving in the field during the campaign which resulted in the repulse of General McClellan from the advance upon Richmond in 1862, was sent to act as the representative of the War Department at Bermuda, but the labour of receiving and forwarding supplies for every branch of the Government was soon heaped upon him. Mr. L. Heyleger held a corresponding office at Nassau, and Major Charles J. Helm at Havana. The services rendered by the above-named gentlemen were of inestimable value, but were of that nature which could only be known to a few, namely, to the chiefs of Departments at Richmond, and the purchasing and forwarding agents in Europe. They had the control and management of all the public business at their respective stations. Their office was to receive the supplies shipped from Europe, and then to forward them to a blockaded port, and that included the supervision of the blockade-runners, the distribution of pilots, the arrangements for keeping up the large quantity of coals required for the service ; and there was much correspondence and much financing to meet the necessary expenditure.

In all great wars there are men who contribute to the general objects of the contest, and yet must be content

with such reward as comes from the consciousness of duty faithfully performed. The Confederate agents at Nassau, Bermuda, and Havana were of that class. Their services were well known and appreciated by those who had official correspondence with them during the war, but a brilliant dash at the head of a troop of cavalry, or participation in a successful sortie from beleaguered Richmond, would have made their names current where they are not likely to be mentioned now. Active service at the front wins the 'bauble reputation.' The men who work in the rear are not despised or even undervalued, but they must have the nerve to stifle their ambition. They may expect fair and just commendation, but then they must not aspire to stand side by side with those who wear the 'myrtle crown.'

The goods for the Navy Department were shipped almost exclusively to Nassau, Havana, and Bermuda; and the prompt, zealous, and intelligent co-operation I received from the agents at those places justifies the foregoing short digression, which is but a small tribute to their memory.

The danger of losing or leaving behind some essential parts of the marine engines in the necessary transshipment at an intermediate port was always a cause of uneasiness, and when the most important of those especially ordered by the Navy Department was completed, I thought its delivery at a Confederate port safe and whole was a matter of sufficient importance to justify the purchase of a steamer fit for the purpose of taking them direct from Liverpool to Wilmington. Lieutenant Robert R. Carter had been sent to Europe in April, 1863, for service in a cruising ship or in one of the ironclads, but his qualifications made him peculiarly and especially useful in assisting me in the various

occupations of equipping ships, purchasing and forwarding goods, etc.; and, as he was with me when the engines were completed, I detached him for the command of the ship. The ordinary blockade-runner would not suffice. A larger and more substantial vessel than the usual type of steamer built for that purpose was required, and Carter and I went to the Clyde in search of a suitable one. We were so fortunate as to find a twin-screw steamer of about 700 tons almost complete, and were told that she would be ready for a trial trip in a fortnight. A close inspection satisfied us that she had all the requisites for the immediate purpose, and by indirect inquiry I learned that she could be bought for a moderate advance upon the builder's contract price. If the calculated speed could be guaranteed, I felt sure that the vessel would be a good purchase, because she could not only, in all probability, take in the engines and other valuable ordnance stores, but she would recoup her cost to us by bringing out cotton.

Ships of a certain class were dear at that time, and the price asked was high, but if the enterprise was advisable at all, the difference of £1,000 more or less was not worth considering. I therefore made a full bid for her at once, on the conditions that dead weight sufficient to immerse her to her calculated load draught should be put in her, and that in that trim she should make not less than thirteen knots over the measured trial course. The offer was accepted, the ship was weighted to the required draught, and was taken down the Clyde for trial, Robert Carter and I being on board. There was a fresh breeze blowing directly up the Frith and the tide was flood; thus, by running over the course each way a number of times, and taking the average, we could arrive at a very accurate estimate of her speed.



The ship was far more rigidly tried than steamers usually are on such occasions. We steamed to and fro between the Cloch Light and the Cumbræ for about two hours, and the average of all the runs gave a mean speed of thirteen and a half knots. We then tried the steering capacity by putting the helm hard over, and noted both the time of completing the circle and its diameter. The engines were also tested, by reversing from full speed and noting the time required to effect a full stop. Indeed, the ship was tested in every possible way in which it occurred to us that she might be tried in an attempt to run the blockade, and as she fulfilled the promises of the builder, the conditional offer was confirmed, the ship was bought, christened *Coquette*, and on the 11th of October, 1863, she got round to Liverpool, where she took the engines on board.

The *Coquette* was of course registered as an English ship, and to avoid the possibility of seizure or detention no contraband goods were put on board at Liverpool. About the 25th of October she was safely cleared out for Bermuda, and in the official report of the transaction I advised the Secretary of the Navy as follows :—

‘I have already reported that Lieutenant R. R. Carter would go in charge of this vessel. For obvious reasons she leaves here under the British flag, but Lieutenant Carter will have a bill of sale in his possession, and can change the flag whenever it may be expedient. . . . By this steamer I send forward a pair of marine screw engines of 200 horse-power nominal, with all the tools necessary for erecting them, and also spare indiarubber valves, and, indeed, everything necessary to keep them in working order. The boilers are riveted up in as large pieces as can be handled, and hammers and spare rivets are sent for completing them. . . . If Lieutenant Carter

gets in with the ship you will be able to carry out the design of sending out cotton to meet the engagements of the Navy Department in Europe, and should you desire to establish regular operations of this kind, I could purchase two or three light draught paddle-steamers of high speed, several of which class are now coming to completion, and they could do the work between the islands and the coast, while the larger vessel commanded by Lieutenant Carter might be employed to ply between the islands and Europe.'

The *Coquette* arrived at Bermuda in due course, took in there a very large and valuable addition to her Liverpool freight, and proceeded towards Wilmington. After getting inside of the Gulf Stream the culpable carelessness of an engineer caused an accident to one of the cylinders, which compelled Carter to return to Bermuda, but the next effort was successful, and he got safely into Wilmington.

In a despatch dated July 8th, 1864, the Secretary of the Navy wrote me as follows :—'The *Coquette* has been remarkably successful under Lieutenant Carter's able command, but her speed has so steadily declined in consequence of deposits on her tubes, which cannot be cleansed, that under constant apprehension of capture he recommends her sale, which I have authorized for £16,000, which will be placed to your credit.'

The freight earned, or perhaps I should say saved for the Government by the *Coquette* on her inward voyages, and the profit on the several cargoes of cotton she brought out, paid for the ship many times over. It seemed at first sight an extravagant expenditure to buy a ship merely to transport a pair of marine engines across the Atlantic, but the position of affairs was exceptional, and Confederate agents were often compelled

to act in apparent violation of ordinary business principles, and they were happy when the result was such as to fulfil the primary and essential purpose.

Robert Carter was capable of higher class professional work than running the blockade, and in compliance with my request the Secretary of the Navy sent him back to England as soon as the *Coquette* was handed over to her purchasers.

The successful voyages of the *Coquette* and the urgent representations of General McRae (the general fiscal agent of the Treasury), confirmed the Government at Richmond in the conviction that it was of prime importance to adopt a systematic arrangement for exporting cotton on account of the Treasury Department, and that it was advisable to have steamers specially designed for the purpose, and to sail them under special Government regulations. It was determined that the financial arrangements should be made by the Treasury Department, and that when the steamers were regularly at work the details of their management should be assigned to the Secretary of the Navy.

About April—May, 1864, General McRae was instructed to get the scheme in operation, and he made the contracts for raising the necessary funds, already explained in a previous chapter.\* By an understanding between the Treasury and Navy Departments, it was arranged that the steamers should be built under my supervision, and I was directed to place myself in communication with General McRae, and assist him in every possible way. This division of duties was in order to relieve the fiscal agent of the responsibilities attaching to the selection of type and the construction of the steamers, which it was thought should have, in the

\* See vol. i., chap. iii., pp. 107, 108.

interests of the Government, the supervision of an expert. General McRae was very energetic in the effort to effect a prompt and equitable financial arrangement, but the transaction involved large cash advances, and it must be admitted that the security he had to offer, namely, a pledge to recoup them by the somewhat uncertain shipment of cotton through the blockade, could hardly be considered 'first-class.' On the 9th of June, 1864, General McRae informed me by official letter that his financial arrangements were so far complete that he had obtained the consent of the contractors to begin the ships. He requested me, therefore, to proceed without further delay, and was so impressed with the importance of starting the enterprise with the quickest possible despatch, that he suggested the purchase of four steamers to begin with, and that I should build the remainder of an improved class.

What was accomplished under the foregoing arrangement cannot be explained in briefer phrases than in the following report made by me to the Secretary of the Navy, under date of September 15th, 1864:—

'In a previous despatch I have had the honour to inform you that the duty of building and arranging for the outward voyages of the steamers especially intended for Government service had been assigned to me, and General McRae has since then shown me the regulations adopted by the several heads of Departments, by which it appears that the management and navigation of the ships to and from the Confederate ports will be under the control of the Navy Department. Under these circumstances it is proper for me to report from time to time the progress made in the construction of the steamers, and to inform you what vessels have been bought and when despatched from England. . . .

Below you will find a complete list of the steamers bought as well as building under the foregoing arrangement.

*'Bought.*—Steamers (paddle), *Owl*, *Bat*, *Stag*, *Deer*, all of the same dimensions and power, as follows:—length 230 feet, beam 26 feet, depth of hold 10 feet 9 inches, tonnage 771. Engines, vertical oscillating, of 180 horse-power nominal. These vessels were bought on the stocks too far advanced to be modified in any material way, but are good ships, with capacity for 800 bales of cotton, besides coal to run out from Wilmington to Bermuda, on rather less than 7 feet 6 inches draught. The *Owl* is, I hope, by this time in Wilmington, and the *Bat* is on her voyage to Halifax, from whence she will sail to Wilmington. The *Stag* will probably sail from this port in ten days, and the *Deer* three weeks afterwards.

*'Building.*—Under this head there are ten steamers, as follows:—Two paddle-steamers of steel, sister ships. . . . These two steamers have been designed and modelled with great care. They will carry, I think, three days' fuel and 1500 bales of cotton, on but little over 9 feet draught, and are expected to make fourteen knots thus loaded. Two paddle-steamers, also of steel; length 210 feet, beam 23 feet, depth 10 feet. . . . These two are specially designed for the shoal waters of Texas and Florida, and will carry 350 bales of cotton and three days' fuel on a draft of 5 feet, or 650 to 700 bales and the same quantity of fuel on a draught of 6 feet. Two paddle-steamers, length 240 feet, beam 30 feet, depth 13 feet, horse-power 260 nominal, framed, and plated from light load-line up with steel, bottoms plated with iron. Will carry 1,000 bales of cotton under hatches and three days fuel on draught of 9 feet, and can carry 150 tons weight in addition on a draught of 10 feet. Two

paddle-steamers, all of steel ; length 225 feet, beam 24 feet, depth 11 feet, horse-power 160 nominal. Will carry 800 bales on 6 feet. Two twin-screw steamers ; length 250 feet, beam 28 feet, depth 15 feet 6 inches, engines, two pair, 130 horse-power nominal each. . . .

‘ You will thus perceive that there are fourteen fine steamers either already completed or in course of construction for the Government. . . . The ten steamers especially built are very fine vessels in every respect, and can be readily duplicated, so that I hope you will be relieved from the necessity of buying any more of the ships which may be sent out on speculation. The agreement with the two firms advancing the money to General McRae stipulates that these steamers must be commanded by British captains until they have been paid for. . . . Until otherwise instructed I will engage captains for the first voyages of the steamers only, at the same rate of pay as private owners offer, and when the ships reach Wilmington you can make such permanent arrangements with their captains as may be possible. I would suggest that as fast as the ships are paid for, navy officers be put in command, as a general rule, although it would be advisable to retain some of the merchant captains in the service, because among them are a number of very clever seamen, with great experience in blockade-running. The naval officers to command the steamers should be selected with reference to special qualifications for the work, and should have leave of absence for that particular employment, and the ships ought to be kept registered in the names of private persons, otherwise serious embarrassment may arise, as Lord Russell has stated in Parliament that if it could be shown that the steamers trading between the Confederate States and the British Islands were owned by the Con-

federate States Government, they would be considered as transports, and would be forbidden to enter English ports except under the restrictions imposed upon all men-of-war of the belligerent Powers. . . .

‘It has often been said that the Government cannot compete with private enterprise in supplying its own wants. This I am convinced from experience is a great mistake, and it is, besides, equivalent to the declaration that even in these trying times energy and zeal can only be obtained by money. The Government will soon have a number of the finest steamers that can be built for the special purpose of blockade-running, and I venture to assert that if proper agents are selected to manage them, and the agents are granted the facilities and powers that are given by merchants to their agents, the entire wants of the public services can be supplied regularly and efficiently, and with far greater convenience and less cost than at any previous period, or by any arrangement with mercantile companies.’

Under cover and by means of the arrangements for a fleet of blockade-runners made by General McRae, the opportunity was offered to build four steamers especially for the Navy Department. Two of the four were intended for service at the mouth of the Cape Fear river, to cover the approach of steamers attempting to run into Wilmington, and to make night attacks upon the blockading squadron. A short extract from the report to the Secretary of the Navy in reference to those vessels will explain both their type and purpose :—

‘They have been designed as tow boats, to deceive the Federal spies, but will require insignificant alterations to convert them into serviceable gunboats for local work. It will only be necessary to fill up the space between the beams, and add a few stanchions under the permanent

position of the guns. The deck plans are now in the hands of the gunmakers, to have the carriages adapted. The armament of each will be one 8-inch rifled gun, to penetrate the enemy's Monitors, and one 9-inch gun, somewhat of howitzer shape, but built on the Armstrong principle and rifled. Experiments at Portsmouth have shown that with the present style of traverse carriage and slide, guns of any weight within the capacity of the deck to bear can be worked upon the smallest-sized gun-boats in her Majesty's service, even in a considerable sea; and I was readily persuaded to rifle the 9-inch gun, in view of the formidable character of the shell which can thus be used, containing a bursting charge of 15 lb. of powder, which, it strikes me, would demoralize the crew of any wooden ship, if it did not destroy her. By reducing the charge, and using the Armstrong pillar fuze, a shell can be made to burst in an opposing ship at any distance within the extreme range of the gun.'

The dimensions of the two boats were as follows: length 170 feet, breadth 23 feet, depth 12 feet 6 inches, draught 7 feet 6 inches. They were to be propelled by twin screw engines of 120 horse-power collective for each boat, and their calculated speed was twelve knots. The two larger vessels were designed for the purpose of making more extensive cruises, from Wilmington along the enemy's coast. The engines and boilers were kept below the water-line, and compartments were placed above them to be filled with cotton for additional protection. Every device for strengthening the ships and protecting their vital parts was resorted to, that could be adopted without running the risk of exciting suspicion, and with the power and speed allotted to them, and the armament they would have been able to carry, they would have been very formidable



ships indeed. There was another vessel building at the same time under special arrangement with a private firm, who had undertaken to deliver her at an appointed rendezvous. It was the purpose to use the three last-mentioned vessels for an expedition against one or more of the sea-ports along the Northern coast, that of Portsmouth, New Hampshire, especially. Besides their regular armament, the vessels were to have been provided with a large supply of Hall's rockets.

Lieutenants W. H. Murdaugh and Robert R. Carter had been selected to command two of the ships, and I had applied to the Secretary of the Navy to send out Lieutenant J. Pembroke Jones to command the third. The rendezvous for the ships had been carefully selected, and such precautions had been taken as seemed to promise perfect success, but the rapidity with which the closing disasters followed each other after the fall of Wilmington, and the impression that an aggressive enterprise of that kind would hardly be justifiable as a mere expiring effort, caused its abandonment. Before the ships could have been ready to leave England, General Lee had surrendered, and it was impossible to communicate with the civil authorities of the Confederate States.

Six of the steamers bought or built under the McRae arrangement reached the coast in time to make one or more voyages through the blockade, two or three more were *en route*, but five or six were not completed at the close of the war. Only one of the four built especially for the Navy Department was finished (namely, one of the small vessels for harbour service), and she was sent out in command of Lieutenant John Low; but she did not arrive in time to perform any service.

As an historical fact, I must state that I had always favoured the construction of vessels especially for harbour

defence and for coastwise enterprises, and had also recommended that the Government should take in hand the entire export of cotton by vessels especially designed for the purpose; but it is also true that the pressure of affairs was very great upon the Departments, and it did not appear to them advisable, or even possible, to divert funds from the purchase of supplies for the armies in the field, and from naval undertakings which appeared to be of greater importance, for any other objects.

There can be no doubt that the Confederate Government, and the leading men at the South also, were deceived by the official statements of her Majesty's Ministers, and by the tone of their unofficial speeches at various places and on various occasions. The official expositions of the Foreign Enlistment Act, and the often-repeated assertion in Parliament, and in the official correspondence of her Majesty's Secretary of State for Foreign Affairs, that unarmed ships were no more contraband than rifles and powder, produced the belief at Richmond that even ironclad vessels without guns or special naval equipment would not be prevented from leaving England as the property of private individuals. And then, also, the assurances received from the French Imperial Government were such as to make the obtaining of war-vessels in France almost a matter of certainty.

If the foregoing expectations had been realized, and the Liverpool rams, with those built at Bordeaux, had been permitted to go to sea, the Confederate Government would have been able to open some of the Southern ports to private enterprise, and could have made far more formidable and effective attacks upon the Northern sea-coast than by means of the lighter vessels which were designed to combine the offices of running the blockade and making hostile marine raids. When the

hopes of getting regularly constructed armour-clad vessels were crushed, the alternative course was adopted, and great efforts were made to put it in operation, but many obstacles stood in the way. Money was more scarce, the blockade was more efficient, and shipbuilders were more fully employed, and thus precious time was lost and opportunity was missed, and the whole that could be then accomplished was not sufficient to turn the scale or to greatly delay the final result of the war.

Very soon after the beginning of the war the various Departments of the Government at Richmond were beset by speculators, who applied for contracts to furnish not only the ordnance supplies which would be needed to provide the armies in the field, but artillery, heavy ordnance, steam-engines, and other machinery, steamers for running the blockade, and even ironclad vessels. Pressed for ready cash, and greatly embarrassed in contriving the means for turning the produce of the country into funds available abroad, the heads of the War and Navy Departments were induced to grant a favourable hearing to the speculators, and many contracts were made, the terms being generally payment in cotton at a Confederate port, and at a fixed price, varying from eight to ten cents per pound. In some instances cotton scrip was issued to the contractors in advance, and in a few cases it was agreed that the agent of the Government in Europe should receive and forward the goods, and pay one-half the contract price on delivery, the remainder to be paid after the arrival of the goods at a Confederate port.

The Navy Department, with the avowed purpose of protecting the Government, and to guard against extravagance in price and carelessness in manufacture, stipulated in respect to the most important contracts for

the navy that they should be executed under my supervision, and that I should certify to the reasonableness of the cost, the fitness of material, and the perfection of finish.

This was doubtless, under the circumstances, a prudent requirement, and does not appear to have been objected to by the contractors, who, so far as I know, were satisfied with the conditions of payment, and had no wish either to supply a bad article or to tamper with the market value. Cotton delivered to them in payment at eight cents per pound, when it was worth two shillings or more in Liverpool, left so large a margin for profit that there was no temptation to act unfairly in matters of detail, and it is probable that most of the contractors were very willing to shift all responsibility in regard to cost and quality from themselves to an official representative of the Government.

But while the requirement was prudent as a preliminary business arrangement, it gave occasion to much trouble and embarrassment which the Navy Department did not foresee. When the peculiar financial position of the country is considered, and the difficulty of communicating with the agents in Europe is taken into account, it cannot now be thought strange that the home authorities were inclined to favour the proposals of private parties, who offered to supply the necessities of the Government on conditions which would greatly relieve the demands upon the Treasury, and would substitute as the medium of payment that staple which could be readily controlled, in place of cash or sterling, which it was most difficult to supply.

The embarrassment and inconvenience referred to above arose from two causes. In the first place, the contractors, who had been provided with a Government

officer to refer to, were inclined to throw all the labour as well as the responsibility upon him. By a not unnatural process of reasoning, each thought his own special business was the most important enterprise in which the Government was engaged, and that the prompt and satisfactory completion of that business should be the prime object of the supervising officer. Secondly, some of the private individuals who had contracted to supply ships-of-war had no technical knowledge of their structure, cost, or the time necessary to build them, nor had they even thought of the bearings of the Foreign Enlistment Act, and the obstacles to be overcome in getting the ships out of Great Britain.

Besides the two above-mentioned causes of trouble, there was another which did not at first appear likely to occur, at least to the authorities at Richmond. Several of the contractors found when they came to calculate the cost of the undertaking they had assumed, and perceived the necessity of making periodical payments in cash, that they could not command the necessary funds, and they at once began to clamour for help, and to propose modifications in the conditions of the contracts, or cash advances which I was not authorized to grant, even if they met my approval.

Looking back upon the office it was my fortune to occupy during the war, I can say that nothing gave me so much harassing perplexity, or tried my patience and forbearance to so great a degree, as the supervision of the private contracts, and one at least of them is indelibly stamped upon my mind as having greatly contributed to the failure of those enterprises from which the Confederate Government and the Southern people anticipated the most important results. In a general despatch to

the Secretary of the Navy on the foregoing subjects, dated September 24th, 1862, I reported as follows:—

‘ . . . I feel it, however, my duty to remark generally upon the various contracts which private individuals have made with the Navy Department, and which I am directed by you to supervise on the part of the Government, because I know that you cannot be aware of the state of affairs in Europe, and are liable to be misled by the statements of interested parties at home, who may profess their ability to fulfil any and every agreement. I disclaim any special application of my remark to the gentlemen who have thus far brought over contracts to be supervised by me, because they are all strangers to me, and I have no wish to interfere in the slightest degree with their private concerns, but as a public officer, and the recognised agent of your Department, it is my bounden duty to inform you upon all matters which from the peculiar circumstances of the country are necessarily beyond the reach of your personal knowledge.

‘ If these contracts were taken by persons who could raise the money necessary to carry them out upon their own credit, there would be an advantage in giving them out, but such does not appear to be the case, and the result therefore has been only embarrassment to me, and a degree of publicity to the affairs of the Department which I fear may be still more embarrassing. The best mode of explaining the manner in which contracts of the kind mentioned are put in train of execution here, will be to sketch briefly a supposed case. A person arrives in England with a contract to build and deliver a ship to the Confederate Government. Being destitute of money himself, his first step is to look up some one who can furnish the necessary

capital. Bankers of established position will not engage in such irregular transactions; he is therefore forced to seek for some keen sharp financier who is ready for any transaction wherein there appears a chance of profit. Such a person being found, the original contractor either sells him the contract outright for a certain named sum, or they agree to divide the profit. The capitalist, not wishing to take the entire risk upon himself, casts about among his friends for aid, each of whom must be assured of a certain gain. . . . To give character to the transaction, all these persons are informed that the ship is for the Confederate Government, and that the Confederate Government is responsible for the payments. The matter is discussed, and soon comes to the ears of those who are dealing directly with the legitimate agents and officers of the Government; the irregularity of the whole transaction is commented upon, and the credit of the Government is measurably injured.

‘I assure you, sir, that in this hasty sketch I have not at all exaggerated the process by which these contracts are set in train, and it is very doubtful whether a single one of them will ever be brought to a conclusion. Thus far there has not been a beginning. I attribute the success which has heretofore attended the operations on account of the Government in a great measure to the caution and secrecy which have been preserved, and to the absolute good faith with which all liabilities have been met. Secrecy is, however, out of the question when so many indiscreet persons are employed, and future difficulties will be greatly increased.

‘An officer of the Government, with a commission in his pocket, and orders to purchase any amount or description of material, and with authority clearly expressed to borrow any amount of money on the credit

of the Government, would be able to negotiate on better terms than any private individual whose own personal credit could not guarantee the transaction. My experience in Europe has taught me that it is always best and cheapest to deal with principals, and with those who stand at the head of their respective trades or employments ; and when contracts are given out to intermediaries who are neither experts nor men of capital, there is invariably delay, disappointment, and loss. You will, I am sure, understand and appreciate the motives which induced me to write thus ; I will therefore make no further apology. If you were in a position to know, or rather to learn, these things from your own observation, I would not venture to advise you.'

The contract which occasioned the gravest anxiety and embarrassment was one for the building of six iron-clad vessels, to be delivered at sea ; and the financial conditions were that the ships should be paid for in cotton at the market value of cotton in a Confederate port, and at the time when the payments were due. The general type of the ships was expressed in the contract, but all details were to be worked out in England ; and the Secretary of the Navy had attached the proviso that the builders, the specifications, the armaments, and the prime cost of the ships were to be approved by me, and that the payments were to be made upon my certificate that all specified conditions had been fulfilled. I accepted without hesitation the eminent builders selected by the contractor, and there was neither difficulty nor delay in settling all details as to structure, cost, and time of completion ; but the contractor had no personal means, and the capitalists with whom he opened negotiations in London required something more tangible than the engagement to deliver a certain amount of cotton at a



Confederate port, and at an indefinite price. They soon came to me with a proposal that I should give bonds pledging the Confederate Government to deliver a quantity of cotton which, at eight cents per pound, should be equivalent to the cost of the ships. I pointed out to them that the whole tenor of the contract was that the ships should be paid for only after delivery beyond British jurisdiction, whereas by signing the proposed bonds I should be paying for them in advance. Moreover, I said that the financial conditions had been settled in Richmond, and were specified in the contract, and I had no authority to change them in any way. Mr. Mason, the Confederate Commissioner, was then applied to, and he was asked to issue bonds, or to cause some of those already in Europe to be handed over for the purposes of the contract, but he declined to take any responsibility in the matter. The original contractor was not able to find the money from any other source, and not a keel of the proposed vessels was ever laid down.

The contracts made by the Confederate Government with private parties are of no historical importance, and I would gladly have avoided any allusion to them, but they found their way into the diplomatic correspondence, and the particular one just above mentioned was introduced into the 'Case of the United States' before the Tribunal of Arbitration at Geneva,\* and therefore they could not be ignored in a narrative purporting to give a true and complete account of the Confederate naval operations in Europe.

The contractor for the six ironclads was so unfortunate as to have some of his papers captured in a blockade-runner, which untoward circumstance, added

\* 'Case of the United States,' pp. 66, 67.

to his financial negotiations in London, gave great publicity to the whole transaction. He was spoken of in the newspapers as a Confederate agent. The effect was to draw attention to those armour-cased vessels which were building at the time, and there can be no doubt that the unhappy exposure which befell that so-called private transaction contributed to strengthen the complaints and demands of the United States Minister, and served to influence the course adopted by her Majesty's Government in respect to the Liverpool rams, and other vessels alleged to be building for the Confederate States.

It is necessary to state that very few of the contracts made by the Navy Department and referred to me were ever completed. Some were abandoned because the parties could not find the money, some proved to be impossible of execution, and in other cases the articles offered were so inferior that they were rejected.

There is another subject which is of no consequence in itself, but which was often spoken of by people at the South during the war, and has been mentioned since, in one or two publications, somewhat in the form of a complaint against the Confederate Navy Department. It was alleged that vessels suitable for war were offered to the Secretary of the Navy, or he was advised where they could be found, and that he was either indifferent to the proposals, or neglected to instruct the agent abroad to buy them. I am able to state that the Navy Department received many such proposals and intimations, and that they were often referred to me with instructions to make due inquiry and investigations, and to miss no opportunity of securing a good and suitable ship, whenever one was offered and the condition of the finances permitted the purchase. In explanation, it is proper for

me to say that the proposals came generally from two classes of persons, namely, speculators, who were merely in search of a commission, and did not shrink from offering any patched-up hulk they could lay hold off, or honest men, really desirous to do the South a service, but having no technical knowledge of ships, and no faculty for estimating the essential requirements of a Confederate cruiser. The former class were soon got rid of, but it was not always so easy to decline the kindly meant proposals of the latter, without leaving sometimes the impression that there was lack of zeal, or some failure to appreciate a good offer.

Two or three typical cases will illustrate the character of those well-meant offers, and will demonstrate their impracticability. On one occasion the Secretary of the Navy directed me to examine 'two vessels which he was advised could be bought and got to sea without difficulty.' They were described in very general terms as 'two fine steam frigates.' Upon looking into the proposal, the vessels proved to be two very large paddle-steamers, formerly belonging to the Indian navy.

The 'two fine steam frigates' were manifestly out of date, or they would have been retained in the Indian navy. Their paddles had been taken off and the coal-bunkers removed. In that condition they were brought to England from Bombay, and in that condition they were offered for sale. The engines were 800 horsepower nominal, and the estimated consumption of fuel was sixty tons per day. They were full-masted for vessels of their class, but with paddles shipped they were practically and essentially steamers, and the price asked for them was £65,000 each, which was £17,500 more than the cost of the *Alabama*.

The reasons for not buying them were reported to the

Secretary of the Navy in the following words :—‘ I rejected them because of their great draught of water, large consumption of fuel, and number of men required to man them, to say nothing of prime cost, which was beyond my means. In fine, they would not make efficient cruisers unless we were in possession of regular and numerous coaling *depôts*.’

At another time a large number of steamers, said to belong to Messrs. Overend, Gurney and Co., were thrown out of employment, and were laid up in the London docks for many months inviting the notice of speculators. These ships were iron screw-vessels of large size, and with barely auxiliary sail-power. They had no arrangements for lifting their screws, or for otherwise rendering them inoperative as drags upon the ships when the engines were stopped. They might have been serviceable to the United States as transports ; and any maritime Power having command of its own ports, or with colonial ports where the supply of coal could be replenished, and to whom the expense of a large and continuous consumption of fuel was a matter of little moment, might have found useful employment for them. But they would have been a dear bargain to the Confederate navy at any price, and any professional man would have seen at a glance their unfitness for cruising under conditions which would render them helpless without steam, and would limit their active operations to the process of running from one port to another in search of fuel.

On several occasions vessels of foreign navies were offered, or the attention of the Navy Department was invited to them, but in every such case the ships proved to be either defective in condition or unsuited in size and type for the very special and peculiar requirements

of a Confederate cruiser; and besides this, the parties offering them had not given the least thought to the manner of getting possession of the ships, and effecting their departure from the neutral port. It had never entered their minds to doubt that the ships could be bought and despatched without any difficulty, and when one offer or proposition was declined, they soon cast about and provided another under corresponding or equally unfavourable conditions.

During the whole period of the war only one offer to supply a vessel for the Confederate navy, of a character suited to the required service, and to be delivered at sea, was made by persons whose experience and business position justified a serious consideration of the proposal. Early in the year 1863, when the operations of the *Alabama* had created some stir in Europe, an English ship-building firm made me an offer to build a vessel of similar type, and deliver her beyond British jurisdiction. The conditions were that there was to be no pay unless the vessel was actually delivered at sea, but if she was thus delivered I was to pay a stipulated sum in excess of the cost price. The builders were quite able to wait for their money, and were in a position to fully comprehend the nature of the transaction and the responsibility they were assuming. I therefore accepted the offer, and reported it to the Navy Department as an enterprise having some promise of success. The vessel was to have been generally of the *Alabama* type, but larger, and every possible improvement experience suggested was adopted. The builders at first appeared to be sanguine of getting a ship to sea which they said would eclipse the *Alabama*, and they showed no signs of faltering until the deck-beams were all in place and some progress had been made with the outside planking. In

this condition of the ship the senior partner of the firm came to me and said that the course pursued by her Majesty's Government in reference to ships alleged to be intended for the Confederate Government, notwithstanding the favourable decision in the *Alexandra* case, had caused him to carefully consider his position, and having discussed the matter with his solicitors, he had come to the conclusion that the enterprise he had undertaken was impracticable. He said he was satisfied that when the time arrived for despatching the ship the Customs authorities would either exact such pledges as would prevent his delivering her to a Confederate agent abroad, or if he declined to give the required guarantee the vessel would be seized, and therefore he was reluctantly compelled to withdraw his proposal.

There was one other proposition for the delivery of a ship at sea which was accepted, but only because it came through a most respectable source, and not because there was any assurance of success. An American gentleman, of good position, a Northern man who had held office under the United States, was residing in London or on the Continent during the greater part of the war. He had taken the Southern side in the issues which had dissolved the Union, and had come abroad to avoid the consequences of his avowed sympathy with the South. The gentleman referred to was well known to the Confederate Commissioners, and was recognised and received by them as a person in full and friendly agreement with themselves on the political questions of the day. He often appeared to be desirous of manifesting his good will by some personal service, and more than once called my attention to vessels which he had been informed could be bought under conditions providing for delivery at sea before payment, but in every case the representa-

tions made to him proved to be exaggerated as regards the fitness of the vessels, or the practicability of effecting the delivery.

The proposals and suggestions of the gentleman referred to were always received with respect and consideration, because they were made without the least purpose to secure any personal profit out of the transaction. One of the propositions was for the delivery of an ironclad frigate, and the proposal came from a foreign banker, who alleged that his relations with his own Government were of such a nature that he could buy the ship (which was then in England) on its behalf, and would undertake to deliver her at sea to anyone appointed by me to receive her. The banker said that very considerable amounts would have to be paid to certain important intermediaries, and those amounts would be included in the price of the ship, and he stated the conditions of the transactions thus: 1st, perfect secrecy; 2nd, satisfactory security in London for the payment after delivery; 3rd, a price which should not exceed £300,000.'

At the time this offer was made there was nothing like the amount named at the credit of the Navy Department unpledged to running contracts, but Mr. Charles K. Prioleau told me that if I determined to act upon the proposal, his firm would provide the required security, and I authorized the gentleman who brought the offer to say to the banker that the stipulated amount would be lodged in a London bank, so as to be secured to him upon the delivery of the ship, as soon as he would propose a practicable scheme for effecting the delivery. It would have been manifestly imprudent to lock up so large a sum of money unless some plan of proceeding was suggested which common-sense could approve as

being likely to succeed. The practical obstacles to the undertaking must have been thought insurmountable when they were critically examined, because the banker did not repeat his proposal, after the conditions upon which the money would be deposited were named to him.

I never had any faith in the practicability of undertakings which involved the employment of expensive intermediaries who held fiduciary positions, and whose help to effect the desired purpose required them to act unfaithfully to their trust, and I never encountered the least difficulty in accomplishing any enterprise that was feasible in itself by means of men who were willing to give their services loyally and honestly for a compensation fairly proportioned to the service rendered. There was a very large correspondence with persons who offered their aid in getting ships, and looking over the letters and propositions after this lapse of time, I congratulate myself that the zeal which those stirring times inspired never so far overmastered discretion as to lead me into enterprises which would have in some measure justified the epithets of Mr. Seward and his Consuls. If any of those who have charged the head of the Navy Department with lack of foresight or judgment in not buying the vessels offered directly to him through private parties should be induced to read this narrative, I hope the foregoing explanations will satisfy their minds ; at any rate, they will perceive that the complaints have been heretofore directed against the wrong person, and the alleged neglect must be placed to the account of the subordinate agent, and not to the departmental chief.

There were two vessels which are not mentioned in any preceding portion of this narrative, but which were despatched from England, and afterwards passed under



the Confederate flag. They were not bought or equipped under my directions, and I am not in possession of the minute details respecting their origin which have enabled me to give a full and complete account of every particular incident in respect to the other Confederate vessels.

If this was a mere historical sketch of personal adventures, or a record of personal services, I would omit all mention of enterprises which did not originate with me, but it has been found necessary to explain the general naval policy of the Confederate States, and to supply all the facts which bear upon the complaints of the United States against Great Britain, and which gave occasion for the Geneva Arbitration. In the diplomatic correspondence the names of the Confederate ships *Georgia* and *Rappahannock* frequently appear, and they have also a prominent place in the 'Case' presented by the United States to the Tribunal of Arbitration. The *Rappahannock* was cited by the representatives of the United States for the purpose of contrasting the conduct of the French Government with that of her Britannic Majesty in reference to the treatment of Confederate ships, although no claim for damages was urged in respect to her. The *Georgia* was, however, put by the United States in the same category with the *Alabama*, *Florida*, and *Shenandoah*, and pecuniary compensation was claimed for the vessels destroyed by her, on the plea that her Majesty's Government might and should have prevented her leaving England, or should have caused her to be pursued and captured afterwards, before she had assumed the Confederate flag and had been commissioned by a Confederate officer. Those two ships, therefore, cannot be omitted from an historical sketch of the naval operations of the Confederate States in foreign parts.

In a despatch dated September 20th, 1862, the Secretary of the Navy informed me that Commander M. F. Maury would shortly leave Richmond 'for England on special service,' and that officer arrived in Liverpool about the end of November.

Commander M. F. Maury, though bred to the naval profession, is known chiefly as a man of science, whose researches have conferred great benefits upon commerce. Wherever ocean winds blow, or the great marine currents pursue their majestic flow, they have borne his name. By careful and patient inquiry, and the application of a remarkable faculty for tracing general physical laws, he brought the circulation of the marine winds and currents so completely within the practical knowledge of the ordinary ship-master, that he could determine his route to the most distant ports with confidence, and could calculate precisely how to shape a course so as to secure the advantage of a favouring trade, or to avoid delay in beating against a foul wind. By thus marking out the great sea-routes, Commander Maury conferred a great pecuniary benefit upon merchants, especially when trade was chiefly dependent upon sailing vessels, and his happy gift of explaining philosophical subjects in graceful flowing phrases, and combining scientific precision of demonstration with easy and eloquent diction, has brought the 'Physical Geography of the Sea' quite within the comprehension of the ordinary reader, and has placed his great work on that subject among those books which are styled popular literature.

The Confederate Government very probably had a political purpose in sending Commander Maury to Europe. It may have been thought that his literary reputation and his wide acquaintance with scientific men would afford the means of spreading the Southern

version of the causes which produced the war among a large and influential class who generally give but little heed to politics, whether foreign or domestic.

The duty chiefly assigned to Commander Maury was to investigate the subject of submarine defences, and he gave much time to researches into electricity, the manufacture and use of gun-cotton, torpedoes, magnetic exploders, and insulated wire. He had also general authority to buy and despatch a vessel to cruise against the commerce of the United States whenever he thought the attempt practicable. Under the foregoing authority, he bought, in March, 1863, a new iron screw-steamer which had just been completed at Dumbarton, on the Clyde. The ship was named *Japan*. She was fitted out as an ordinary merchant steamer, and on the 1st of April, 1863, she was cleared out from Greenock in ballast for a port or ports in the East Indies. Her crew, numbering forty-eight or fifty men, were shipped at the Sailors' Home in Liverpool, signing articles for a voyage to Singapore and any intermediate ports, and for a period of two years. There is no doubt that she left Greenock in the condition of an ordinary ship of commerce. The Customs authorities certified, upon subsequent inquiry, that 'they saw nothing on board which could lead them to suspect that she was intended for war purposes.' About the time when the *Japan* left the Clyde, a small steamer called the *Alar* cleared from New Haven for St. Malo with the guns, ordnance stores, and other necessary supplies intended for the *Japan*. The two vessels met off Ushant, and running into smooth water between that island and Brest, the armament and stores were duly transferred. Commander Wm. L. Maury, a cousin of Commander M. F. Maury, and an officer of experience and ability, with a staff of

officers, was put on board, the name of the vessel was changed from *Japan* to *Georgia*, and she was duly commissioned as a Confederate man-of-war.

Some of the men who had shipped at Liverpool for the alleged voyage to Singapore, etc., refused to enter the Confederate service, and were brought back to England in the *Alar*. In consequence of the information obtained from those men by the United States Minister, representations were made to her Majesty's Government, and two persons named Jones and Highatt were indicted for violation of the Foreign Enlistment Act, the allegation being that they had induced British subjects to enter the Confederate service. The case was tried at the Liverpool Assizes, before Lord Chief Justice Cockburn. 'The jury found both defendants "Guilty," and they were required to enter into recognizances of £500 each, with two sureties of £100 each, to appear and answer judgment. The points of law which had been raised in the case were, however, not argued, and no penalty was inflicted on the defendants except the payment of a fine of £50 each.'\*

As soon as the guns, stores, and some additional men were received on board the *Georgia*, Commander Maury proceeded on his cruise. Passing through the Azores, *en route*, he crossed the equatorial belt at the points which have been called the 'forks of the road,' and arrived at Bahia in May, 1863. At Bahia he replenished stores, took in coal, and continued his cruise towards the Cape of Good Hope, arriving at Simon's Bay August 16th, 1863. On the passage from Bahia to the Cape of Good Hope he captured the American ship *Constitution*, loaded with coal, and replenished his stock from her. He left Simon's Bay August 29th, and returned to the

\* Taken from the report of the trial.

North Atlantic, touched at Teneriffe about the middle of October, and arrived at Cherbourg on October 28th. It was a little more than six months since the *Georgia* had left the neighbourhood of Ushant on her projected cruise, and during that time she had captured and destroyed six or seven American vessels, but Commander Maury found that he could not remain and cruise in the track of commerce for any length of time, because the *Georgia's* sail-power was insufficient to make her independent of the engines, and he was compelled to seek a port at comparatively short intervals for a supply of coal.

Commodore Barron was still in Paris with a greater portion of the officers who had come to Europe with him for service in the 'ironclads,' and being the senior naval officer, Commander Maury reported to him. The *Georgia* required some repairs, and the French Admiralty permitted her to make use of the Government dock, and the repairs were effected by the dockyard mechanics. She remained at Cherbourg nearly four months. Commander Maury was detached on account of ill-health, and Lieutenant Evans, who had been in the ship ever since she was put in commission, and who had also made the cruise in the *Sumter*, was placed in command.

Commodore Barron was in hopes of employing the *Georgia* on a special service, and with that purpose she was sent to cruise for a short time, but the design was not carried out, and on the 25th of March, 1864, she arrived at Pauillac, and proceeded to Bordeaux, where she remained until April 28th, the French Government at first consenting to her remaining a fortnight for repairs, and then tacitly permitting a further delay. Under date of April 14th, 1864, Commodore Barron informed me by letter that he should send the *Georgia*

to cruise off the coast of Morocco until short of fuel, then return to a European port and report to me. He added that as soon as she was off from Bordeaux he would turn her over formally to me for sale. I requested him in reply to order the ship direct to Liverpool, and on the 29th of April, 1864, he notified me of the abandonment of the Morocco cruise, and advised me as follows:—‘Evans sailed from Bordeaux yesterday, and hopes to be in Liverpool on Tuesday morning.’

The *Georgia* reached Liverpool on May 2nd, 1864. On the first tide after arrival she was taken into the Birkenhead Dock, where she was dismantled, her guns and military stores were landed, and the crew paid off and discharged. All of the foregoing was done as quickly as possible, in order to satisfy the authorities that there was no intention to send the ship to sea again as a Confederate cruiser, and in reply to inquiries from the Customs authorities it was stated that the purpose was to sell her.

Shortly after the arrival of the *Georgia* at Liverpool, orders were sent from London that if not *bonâ-fide* sold, she should be required to leave the port as soon as she had received necessary repairs. But as the statement of the purpose to sell was borne out by the dismantling and by an advertisement in the Liverpool papers, no further official inquiry was made in respect to her. On the 1st of June, 1864, the ship was sold to a wealthy and influential merchant carrying on a very extensive business in Liverpool. The purchaser removed every vestige of war fittings, effected a charter of the ship to the Portuguese Government, and on the 8th of August, 1864, with a British register and under the British flag, she sailed from Liverpool for Lisbon.

The United States ship *Niagara* had been dodging

about the coast and looking into English ports for some time, and was manifestly informed in respect to the sale of the ex-Confederate cruiser and her subsequent destination. She disappeared only a few days before the *Georgia* left Liverpool, and when the last-named ship, confidently relying upon the double security of her British register and her Portuguese charter, made Las Rocas, off the mouth of the Tagus, the *Niagara* was there to meet her. The result of this unhappy encounter was that a prize crew was put on board the *Georgia*, and she was sent to give an account of her proceedings before a United States prize court. The English purchaser told me afterwards that the ship was sold by order of the United States Government before any legal forfeiture was pronounced against her.

The United States often made short shrift with their neutral prizes, and dispensed with the formalities of judicial investigation and condemnation, which often followed long after the appropriation of the captured vessel to the public service. Such prompt and informal proceedings were no doubt convenient at the time; but they will serve as precedents which may some day be awkward for American merchants, whose ships may be disposed of in like manner by a future belligerent.

During the latter part of 1863 a number of 'despatch-boats' belonging to the Royal Navy were offered for sale at Sheerness, and on the 14th of November of that year one of them, called the *Victor*, was sold to a mercantile firm who acted for an agent appointed by Commander M. F. Maury to effect the purchase. The *Victor* had neither masts nor rigging on board, and her Majesty's Government followed the customary practice under such circumstances, and permitted the purchasers to equip the ship at Sheerness Dockyard, under the supervision

of a Mr. Rumble, who was the inspector of machinery. No attempt was made to put any warlike equipment on board, but only the fittings necessary to her safe navigation, and a party of men were engaged to take her out for a trial trip. Before all the arrangements were complete, Commander Maury had reason to fear that some suspicions had been aroused, and on the night of November 24th, 1863, the ship was hurried off from Sheerness, and was taken across the Channel to Calais. During the transit a small party of Confederate naval officers were put on board, the ship was commissioned as a vessel-of-war, and she entered Calais the next day as the Confederate ship *Rappahannock*.

The ship was partially in distress, having had a slight accident to her machinery, and being otherwise incomplete in her equipment. The United States Minister at Paris made strong remonstrances on the subject, but the French Government replied that the *Rappahannock* had sought the shelter of a French port under an apparent necessity, and she could not therefore be refused an asylum. The further objections of the United States Minister were overruled, or at least they were disregarded, and the necessary equipment of the ship to render her seaworthy was continued and completed at Calais, although the Government ordered the local authorities to take such precautions as to prevent any preparation for an armament, or the putting of any warlike stores on board.

After the arrival of the *Rappahannock* at Calais, Commander Maury resigned the control of her to Commodore Barron, who was for several months in hopes that he might be able to send her to sea, and he consulted me with reference to the despatch of an armament and other necessary stores from England to a rendezvous,



but it was found impossible to fix upon any time when the *Rappahannock* could be despatched from Calais, and that purpose was abandoned. There were some questions with the French Government as to the departure of the ship from Calais, but they are of no historical importance, because the final decision was that she might leave without any warlike equipment, and with no greater number of men on board than she brought into that port.

The detention of the *Georgia* at Cherbourg, her cruise to the southward, and appearance at Bordeaux, mentioned above, had reference to the anticipated movements of the *Rappahannock*, Commodore Barron having for some time a hope that a meeting of the two ships might be arranged, when the armament and crew of the former might be transferred to the latter. When, however, he determined to turn over the *Georgia* to me, and directed her to proceed to Liverpool for that purpose, the design was of course abandoned, and no further effort was made to remove the *Rappahannock* from Calais as a vessel-of-war, but the French Government permitted her to remain there as a Confederate ship, and she was used as a sort of *depôt*, and in preparing for the despatch of the *Stonewall* she served as a convenient rendezvous for the officers and men required for that enterprise.

On the 8th of February, 1865, I received a despatch from the Secretary of the Navy, dated December 16th, 1864, from which the following is an extract:—‘Orders by this steamer go to Commodore Barron to return to the Confederate States and to direct all officers whom you may designate to report to you for orders, and to send the others home. He is further instructed to turn over to you the control and direction of the *Rappahannock*. . . . Conference with Commodore

Barron will enable you to judge correctly of the situation of the *Rappahannock*, and to reach a definite conclusion as to the course which the interest of the country requires in her case.' The Secretary suggested that it was not advisable to continue the expense of maintaining her as a ship-of-war at Calais, unless there was some reasonable hope of getting her to sea.

On the 28th of February, 1865, Commodore Barron notified me of the purport of his instructions, desired me to designate the officers I wished to remain, and added:— 'I have instructed Lieutenant-Commanding C. M. Fauntleroy, Confederate States steamship *Rappahannock*, to carry out any instructions that you may give in reference to the disposition of the ship, and to render you every facility for examining into her condition, and also to give you all the information he possesses which may aid you in determining what should be done with her.'

The ultimate fate of the *Rappahannock* is beyond my ken. All that I know of her may be stated thus. On March 31st, 1865, in a general despatch to the Secretary of the Navy, I reported as follows in reference to her:— 'On the 28th ultimo Commodore Barron resigned command as senior naval officer on the Continent, and, by official letter, turned over all unfinished business heretofore under his charge. Subsequently, under date of March 4th, he informed me that there was no business under his control except such as related to the *Rappahannock*. March 2nd I ordered careful survey of that ship by a board of officers, Lieutenant William H. Murdaugh president, directing minute examination into condition of hull and outfit, and general statement as to capacity for keeping the sea. Report of survey, dated March 9th: "Outfit good, but incomplete; frame timbers

sound, but requires some new deck-planks and recaulking—can carry but four and a half days' fuel at full speed, and eleven at a reduced rate; has tanks for 2,340 gallons of water and no condenser; and, in fine, with a crew of 100 men, her bunkers full of coal, and the stores and outfit necessary for cruising on board, she could only carry provisions for six weeks, and even then some of the wet provisions would have to be carried on deck."

I informed the Secretary of the Navy that in consequence of the above report 'I have directed Lieutenant-Commanding Fauntleroy to pay off and discharge the crew, detach the officers, and strip and lay up the ship. This has been done, and she now lies in dock at Calais in charge of a master's mate.'

Even if the *Rappahannock* had been in perfect condition for cruising, the state of affairs in March, 1865, would not have justified me in sending her on a cruise. The Confederate finances in Europe could not have supplied the necessary funds, and, moreover, it was manifest that the Confederate armies could not hold out much longer. The mere cost of keeping the ship at Calais, with a few ship-keepers, was an embarrassing expense, and yet the vessel was unsaleable. At last I got a ship-broker to assume charge under a nominal sale, and he brought her over to England as an English ship, but by the time this was accomplished the end had come—the Confederate Government had expired—I could give no legal title to her, and I was only too glad to be disencumbered of all connection or concern with her. She was, I believe, claimed by the United States, and no one appearing to resist the claim, she fell into their possession. At any rate, I never called upon the purchaser for payment of the nominal amount for which the ship was sold to him, nor has he made any claim for the

expenses of removing her from Calais. How he got rid of her, or whether he was reimbursed for his outlay, I have never inquired, but it is not likely that I would have remained in ignorance on those points if the final disposal of the vessel had left a deficit.

Commodore Barron was well known in the United States navy as a gallant officer. He came to Europe buoyant with the hope of commanding the Liverpool rams ; he bore the disappointment and the many months of forced idleness in Paris with patience, and retired to privacy and partial poverty after the war, having been denied the opportunity which would have at least afforded him the chance of winning naval honours.

After the fall of Fort Fisher, which closed the Cape Fear river and Wilmington to foreign trade, there was no port left open to the ordinary blockade-runner east of the Mississippi, and it became a question of very serious consideration how to get further supplies into the Confederacy. Commander M. F. Maury thought that he might make his investigations into the subject of submarine defences useful in keeping open Galveston or some other inlet on the coast of Texas, and offered to go out for that purpose if I would ship the necessary material to Havana. This proposal was carried out. I forwarded to the Confederate agent at Havana, by steamer from Southampton, the quantity of insulated wire, copper tanks, magnetic exploders, etc., suggested by Commander Maury, and he took passage in the same steamer. On his arrival at Havana, the news of General Lee's surrender had already reached that place ; and that event was so soon followed by the surrender of the forces under General Johnston that it appeared to Commander Maury useless to make any effort to get into a Texan port. He therefore abandoned the project.

It has been mentioned in a previous chapter that Lieutenant James H. North was sent to England at an early period of the war to examine into the construction of ironclad vessels, and that he was authorized to contract for a ship of that class, which, if completed and got to sea, he was to have commanded. Lieutenant (afterwards Commander) North contracted on the Clyde for an armour-clad ship of the broadside type. She was a large vessel, fully up in all respects to the ships of her class at that date ; but when she was almost complete it became so manifest that her Majesty's Government would not permit her to go to sea, that Commander North consulted the Confederate Commissioners, Messrs. Mason and Slidell ; and acting under their advice, he permitted the builders to sell the ship to the Danish Government. The sale was *bonâ fide*, and the ship was delivered to the purchasers in due course, and was paid for.

Commander North was instructed by the Navy Department to turn over the proceeds of the sale to me for general naval uses. Before those orders were received, £105,000 of the amount had been loaned to the fiscal agent of the Treasury Department to complete the sum necessary to meet the interest on the seven per cent. Bonds of the 'Erlanger Loan,' due September, 1864. At a later date, October, 1864, Commander North transferred to me a further sum of £67,000. Upon the receipt of the transfer order from the Navy Department, I confirmed the loan to the Treasury, and upon the requisition of General McRae and his urgent representation I advanced £40,000 in addition out of the Naval Exchequer to meet drafts drawn by agents of the War Department.

These loans were necessary by reason of the great wants of the War Department and other heavy drains

upon the financial agents. They were immediately reported to the Secretary of the Navy, and at a later period the Confederate Congress confirmed them as a permanent transfer, and by an arrangement between the heads of Departments a still further appropriation of the funds originally assigned to the navy was made for the use of the army, and for the general demands upon the Treasury.

In point of fact, no fresh naval enterprises were set in train, nor were any fresh contracts made for that Department after February 1st, 1865. By that time it had become manifest that all available resources should be appropriated to such efforts as might keep up the supplies to the armies in the field, or to meet the contracts which were still open, and the numerous Treasury drafts which were rapidly accumulating in the hands of the fiscal agents.

Among the printed correspondence on the subject of Confederate affairs in Europe are several letters relating to the 'ironclad frigate built on the Clyde' and sold to Denmark. It appears to have been the impression of some of the United States Consuls that she was still the property of the Confederate States at the end of the war, and that the sale to Denmark was a sham. The action of the Danish Government at the time of the sale, and the delivery of the ship by the builders, should have satisfied them that their suspicions were unfounded, but the statement made above is a true and precise account of the disposition that was made of her.

The published report of a case in the Scotch Courts, called 'The *Pampero* Case,' makes it necessary for me to give some account of that vessel. In June or July, 1863, Lieutenant George T. Sinclair arrived in England on special service, his orders being to build, if possible,

a vessel suited for a cruiser, and to go to sea in command of her himself. In pursuance of those instructions, he made an arrangement with an eminent firm of builders on the Clyde for a composite screw-steamer. The vessel was nearly ready for sea, but was still in possession of the builders, and was, in fact, their property, when she was seized by the Government. The following extract from the published account of the proceedings in the Scotch Courts will afford all the information in my possession, and, indeed, all that is of any public interest in respect to the above vessel, inasmuch as she never really became a Confederate vessel at all:—

‘In November, 1863, the *Pampero* . . . was lying at Lancefield Quay (Glasgow), and was detained by the Government. This case did not go to trial. The condition of the ship at the time of seizure was similar to that of the *Alexandra*, and had the case proceeded there would have been in the Scotch courts the prolonged litigation, expense, and uncertainty which had characterized the *Alexandra* case in England. Under these circumstances, the owners of the vessel came to a compromise with the Government. It was agreed that a verdict should be entered for the Crown on one count of the ‘information,’ that the owners should retain and trade with the vessel, but that they should not sell her for two years without the consent of the Crown. Therefore the judgment delivered by Lord Armidale allowed the owners to withdraw from the cause . . . without any liability being incurred by any parties to the suit, and found for the Crown on the 37th count,’ etc.

No other attempts were made to obtain in Europe vessels for the Confederate naval service than those

which are described in this and the preceding chapters, and the facts relating to those efforts have been told without reservation.

Besides the numerous opprobrious epithets applied to the Confederate Government and its agents by Mr. Seward and the Consuls, for attempting to carry on a naval war against the United States, it appears to have been their impression that British shipbuilders, conscious that they were acting illegally, charged extravagant prices for the vessels supplied to the Confederacy, and that the 'nefarious practices' of the Confederate agents required a lavish expenditure of money. In refutation of that opinion, which frequently appears in the correspondence—rather, however, as an insinuation than a positive assertion—I will merely state that every transaction conducted by me on behalf of the Navy Department was based upon cash payment, and no more than actual value at the time was paid for any articles, whether ships or general supplies.

The peculiar position of affairs imposed upon a Confederate agent expenses of an exceptional character, which would not have been necessary under different circumstances. Often contraband goods had to be shipped under disguises and concealments, in order to escape the liability of having the vessel seized on suspicion of being intended for a cruiser, and whenever a vessel was really despatched with the purpose to convert her into a man-of-war, it was necessary to provide a tender, and to incur other incidental expenses. But nothing more than actual value was ever paid for any ship, and no risk or responsibility was assumed by any one who built a vessel for me, or sold one to me on behalf of the Confederate Government, except what is ordinarily embraced in such transactions, and I venture to say the



same in reference to any other naval agent of that Government.

A few specifications may help to confirm the above statement, and may possibly be of some historical interest.

The *Alabama* cost £47,500 as delivered by the builders; her naval equipments and other incidental expenses required an additional sum of £13,437 8s. 7d., and she was supplied with £20,000 as a cruising fund, and for pay of officers and men. No remittances were made to her while cruising, and Captain Semmes drew no bills, so that the entire expenditure on account of the *Alabama*, from the time her keel was laid until she sunk off Cherbourg, was £80,937 8s. 7d., and I do not believe any vessel of her class was ever built and kept two years in commission for less.

The expenditure on the *Florida*, up to her arrival in Brest, September, 1863, had been in cost, £35,950, other expenses, £9,678 4s. 9d., or total expenditure to that date, £45,628 4s. 9d. The foregoing figures do not include the amount which may have been expended while she was in Mobile, and does not include her cruising fund, which was supplied by arrangements with the Treasury when she left Mobile.

The gross expenditure in the purchase and all the expenses of the *Shenandoah's* cruise was £53,715 10s. 9d.

The foregoing accounts are of course exclusive of the cost and expenses of the tenders, but they include the cost of everything supplied to the vessels named. In regard to the tenders, it may be stated that if taken in the aggregate, they much more than recouped their cost by the successful voyages made through the blockade, and by their subsequent sale after they had completed the original service for which they were bought.

It is true that the *Agrippina* did not sell at her cost price, and the freight she earned on her last homeward voyage from Bahia did not make up the deficit; but the *Laurel* must be credited with a large sum on account of inward freight to Charleston. She then brought out between 600 and 700 bales of cotton, and was sold at cost. The other naval tender made several successful voyages through the blockade, and was then sold for more than two-thirds of her cost. Looking at those transactions, therefore, from a commercial point of view, it may be affirmed that the Confederate cruisers were not set afloat or maintained in an extravagant manner.

## CHAPTER V.

Official dispositions of Holland, Brazil, Spain, Portugal, France, and Great Britain to the Confederate States.—The position assumed by Mr. Seward at the beginning of the Civil War.—The policy of the British Government.—English feeling in favour of the North.—Facts about slavery in America.—English sympathy transferred to the South.—Lack of courtesy and dignity in United States representatives.—The *Alabama* Claims.—Synopsis of the negotiations respecting those claims.—Position of the British Government in regard to them.—The three rules of the Treaty of Washington.—A possible application of them to the United States.

THERE was one result of the Confederate naval operations in Europe which Mr. Davis and his Cabinet could not have foreseen, and to which they had no purpose to contribute when it was determined to attack the enemy's commerce from across the sea. It doubtless often occurred to them, as it did to many others, that questions of belligerent rights and neutral duties would arise, and that the United States would become involved in complicated discussions with foreign Powers, which might in some way or other be helpful to the cause of the South. As the war progressed, and they beheld the arrogant pretensions of Mr. Seward, and the haughty offensive and dictatorial tone in which he urged them, it was thought that he would very probably draw upon himself and upon his country something more than

diplomatic reproofs. Perhaps some even thought that Europe would tire of the long contest, and the harassing interruption of trade with the Southern States, and would intervene, either by force or persuasion, to stop the war and restore the normal conditions of commerce.

But among all the various hopes or surmises which may have been discussed at Richmond, or which stirred the minds of the Southern people, no one ever dreamed that Great Britain would be selected as the chief object of Mr. Seward's malice, and that she—ever more yielding to the United States than any other Power with which there was a controversy, and always more restrictive than France, especially in the treatment of Confederate cruisers—would have been selected to pay the penalty of recognising the Confederate States as belligerents, and to recoup to the United States a portion of the losses inflicted by the war. No country whose ports were visited by Confederate cruisers was so restrictive and exacting as Great Britain, and no Government was more cautious and reserved in granting privileges or permitting official courtesies to Confederate commanding officers or diplomatic agents which could be construed into an admission of anything beyond the merest belligerent rights.

Perhaps it would be well to give a few examples of the action of some other Powers and the privileges granted to Confederate cruisers in their ports.

*Holland.*—The *Sumter* was the first Confederate vessel that got to sea. She was down among the windward West India Islands in July—August, 1861, and visited during those months two ports of the Dutch possessions, namely, St. Anne's, Curaçoa, and Paramaribo. She was permitted to remain at the first port eight days, and at the second eleven days. At both

places she was allowed to obtain coal and other supplies, and she was received and treated by the authorities in every respect as a national ship-of-war. Mr. Seward remonstrated, and in one of his despatches in February, 1862, he directed the United States Minister at the Hague to call attention to the 'subject of the intrusion of piratical American vessels seeking shelter in the ports of the Netherlands and their colonies;' but the Dutch Government was never induced to withdraw the recognition of belligerent rights conceded to the South, or to treat Confederate ships-of-war otherwise than those of the United States.

Mr. Pike, the Minister of the United States at the Hague, insisted that the vessels of the Confederate States were 'piratical craft,' or, at best, he said, they could only be looked upon as 'privateers,' and therefore should be excluded from ports of the Netherlands. In reply, Baron van Zuylen, the Netherlands Minister of Foreign Affairs, stated the views of his Government, as follows:— 'The vessel armed for war by private persons is called a "privateer." The character of such vessel is settled precisely, and, like her English name (privateer) indicates sufficiently under this circumstance that she is a private armed vessel—name which Mr. Wheaton gives them ("Elements of International Law," ii., p. 19). Privateering is the maritime warfare which privateers are authorized to make for their own account, against merchant-vessels of the enemy by virtue of letters of marque, which are issued to them by the State. The *Sumter* is not a private vessel; is not the property of unconnected individuals—of private ship-owners. She therefore cannot be a privateer; she can only be a ship-of-war, or ship of the State, armed for cruising. . . . It cannot be held, as you propose in your despatch of the

9th of this month, that all vessels carrying the Confederate flag are, without distinction, to be considered as privateers, because the principles of the law of nations, as well as the examples of history, require that the rights of war be accorded to those States.’\*

*Brazil*.—The *Sumter* went from Paramaribo to Maranham in the Empire of Brazil. She was allowed to remain ten days, and to take in as much coal as she wanted. The United States Consul made a protest to the President of the province, but the reply was that the *Sumter* was a belligerent vessel, and, as such, must be allowed to receive all necessary supplies. The United States Minister at Rio de Janeiro carried on a long correspondence with the Minister of Foreign Affairs on the subject, and denounced the conduct of the President of Maranham as ‘an unfriendly act towards the United States, and a gross breach of neutrality;’ but the Imperial Government approved the conduct of their officer in recognising the *Sumter* as a national ship-of-war.† At a later period of the war the *Florida*, *Georgia*, and *Alabama* were admitted to Brazilian ports on precisely the same footing as vessels of the United States. It was alleged that the *Alabama* had violated the neutrality of Brazil by making captures within the territorial waters of the Empire off the island of Fernando de Noronha. The President of the province of Pernambuco, within whose jurisdiction the alleged offence was said to have been committed, sent instructions to the Governor of the island to order the *Alabama* away, but meanwhile she

\* See ‘British Case,’ Appendix, vol. vi., pp. 70, 76, 77, and Sir A. Cockburn, pp. 83, 84, for correspondence between Mr. Pike and Baron van Zuylen.

† See ‘British Counter-Case,’ p. 120, and Appendix to ‘British Case,’ vol. vi., pp. 17, 42.

had left the neighbourhood, and on May 11th, 1863, she entered the harbour of Bahia, and was permitted to remain there fourteen days.

The United States Minister remonstrated, and even went so far as to maintain that the *Alabama* should have been seized and detained at Bahia; but the Brazilian Government replied that the President of Bahia had done right in receiving the *Alabama*, and that he would not have been justified in refusing her the hospitalities of the port without positive evidence of her having infringed the neutrality of the Empire. Subsequently, instructions were issued to exclude the *Alabama* from Brazilian ports on the ground that she had burned captured vessels within the territorial limits of the Empire, but there never arose an occasion to enforce the order, as the ship proceeded from Bahia to the East Indies, and did not again appear on the South American coast. Captain Semmes wrote me a categorical denial of the report upon which the above-mentioned instructions were issued, and he would have been able to prove its falsehood if it had been necessary or convenient for him to bring the *Alabama* again into a Brazilian port.

*Spain.*—In January, 1862, the *Sumter* entered the port of Cadiz, and was not only permitted to obtain supplies, but she was allowed the use of a Government dock to make her repairs. In February, 1865, the *Stonewall* was compelled to put into Ferrol in consequence of a serious leak in her rudder-casing, and she was allowed to remain more than a month refitting. In reply to the protest of the United States Minister, the Spanish Minister of Foreign Affairs said :—‘ The Government of her Majesty could not disregard the voice of humanity, in perfect harmony with the laws of neutrality, and does not think they are violated by allowing a

vessel only the repairs strictly necessary to navigate without endangering the lives of the crew.\* Subsequently, in May, 1865, the *Stonewall* entered the Spanish Colonial port of Havana. The Captain-General not only recognised her as a vessel-of-war, although the Confederate Government had to all appearance ceased to exist, but he advanced to her commander the amount necessary to pay off the crew.

*Portugal.*—From Ferrol the *Stonewall* proceeded to Lisbon, where she was permitted to remain the full time to which the stay of vessels belonging to both belligerents was restricted, and was also permitted to take in a supply of coal. The Minister of the United States made the usual protest, but in reply to his representations the Portuguese Foreign Minister wrote thus:—‘Regarding the supply of coal, against which you insist, allow me to observe that the vessel being a steamer, his Majesty’s Government could not avoid with good foundation that she should be provided with that article, with the same reason that it could not deny to any sailing-vessel in a dismantled state to provide itself with sails.’†

*France.*—The *Sumter*, *Alabama*, *Florida*, *Georgia*, and *Rappahannock*, were on every occasion of visiting French ports received with marked consideration, and were allowed to take supplies of coal and to repair damages with a degree of freedom and latitude in excess of the privileges granted them by any other Power.

The *Sumter* called at Martinique in November, 1861. She was permitted to remain fourteen days, and to take in a full supply of coal, enough, in fact, to carry her across the Atlantic. The *Alabama* touched at Martinique in November, 1862, to meet her tender, the *Agrippina*.

\* Quoted in ‘British Counter-Case,’ p. 123.

† Ibid.



Her Britannic Majesty's Consul at St. Pierre reported to the Governor that he had reason to believe that the *Agrippina* was a supply ship for the *Alabama*, and that the meeting of the two ships at the island was probably for the purpose of furnishing the *Alabama* with coal. The above information was given to the Governor before the *Alabama's* arrival, but it had been elicited from the captain of the *Agrippina* by the Consul, and he deemed it his duty to acquaint the French authorities with the fact. In a report of the circumstances to his Government, dated November 26th, 1862,\* the British Consul says:—‘I next deemed it proper to acquaint the Governor with what I had just learned. He did not seem much surprised, and observed that if the *Alabama* came into port he would act exactly as he had done on a former occasion in the case of the *Sumter*, when the French Government had altogether approved of the measures he had taken in regard to that vessel.’ When the *Alabama* arrived a few days after, she received permission to remain as long as necessary and to land her prisoners.

The *Florida* was allowed to remain several months at Brest, to repair damages in a Government dock, to land her small arms and have them repaired by a local gunsmith, and finally, to discharge a large portion of her crew, and to take on board other men to make good the original number. The United States Minister at Paris protested against the privileges extended to the *Florida*, and especially with reference to the repairs to her machinery. M. Drouyn de l'Huys replied that ‘if she were deprived of her machinery she would be *pro tanto* disabled, crippled, and liable, like a duck with its wings cut, to be at once caught by the United States steamers.

\* ‘British Case,’ p. 107.

He said it would be no fair answer to say the duck had legs and could swim . . . and finally he said that they (the Imperial Government) must deal with this vessel (the *Florida*) as they would with the United States ships, or the ships of any other nation,' etc.\* The presence of the *Florida* at Brest gave rise to an official conversation between M. Drouyn de l'Huys and the American Minister, which manifests very strongly the determination of the French Government to recognise the Confederate States as a belligerent Power, and to repudiate the preposterous demand of Mr. Seward that their cruisers should be treated as pirates. Mr. Dayton, the American Minister, in a despatch to Mr. Seward, reported the conversation referred to in the following words :—

‘On the 19th instant’ (October, 1863) ‘I received a note from M. Drouyn de l'Huys, requesting to see me on the next day in reference to certain matters of business. I, of course, attended at the Foreign Office at the time named. He then informed me that it had been reported to him that the United States steamship *Kearsarge*, Captain Winslow, now in the port of Brest, kept her steam constantly up, with the view, as supposed, of instantly following and catching the *Florida* upon her leaving that port; and that France, having resolved to treat this vessel as a regularly commissioned ship-of-war, could not, and would not, permit this to be done. He said that the rule which requires that the vessel first leaving shall have twenty-four hours’ start must be applied. To avoid the difficulty which, he said, must inevitably follow a disregard of this rule by Captain Winslow, he requested me to communicate to him the

\* See report of United States Minister, quoted in ‘British Case,’ pp. 71, 72.

determination of this Government, and apprise him of the necessity of complying with the rule. Inasmuch as nothing was to be gained by inviting the application of force, and increased difficulties might follow that course, I have communicated to Captain Winslow the letter, of which I herewith send you a copy.’\*

In reference to the permission granted to the *Florida* to fill up the vacancies in her crew, Mr. Dayton reported in the same despatch as follows :—

‘The determination which has been reached by the French authorities to allow the shipment of a crew, or so large a portion of one, on board the *Florida* while lying in their port, is, I think, wrong, even supposing that vessel a regularly commissioned ship-of-war. I told M. Drouyn de l’Huys that, looking at it as a mere lawyer, and clear of prejudices which my official position might create, I thought this determination an error. He said, however, that in the conference they had reached that conclusion unanimously, although a majority of the Ministry considering the question were lawyers.’

The *Georgia* was permitted to remain nearly four months at Cherbourg, where she was repaired in the Government dock, and was then again allowed after a very short cruise to enter the port of Bordeaux, and to remain there a month, or a full fortnight after her repairs were completed.

The *Ruppahannock*, only a few hours after leaving a British dockyard, entered the port of Calais, having been transformed from an English despatch-boat to a Confederate vessel-of-war during the run across the Channel. Nevertheless, she was received by the French authorities as a regularly commissioned ship-of-war, and was permitted to lie in the dock at Calais to receive

\* Quoted in ‘British Case,’ p. 72.

workmen from England to complete her engines, and to remain in that harbour from November, 1863, until March, 1865, flying the Confederate flag and pennant, and actually performing the office of a *depôt*, or receiving vessel, for officers and men destined for employment in other ships.

Most of the foregoing specifications of the privileges granted to Confederate vessels-of-war in the ports of the Maritime Powers have been incidentally mentioned in the course of the preceding narrative; but they are recapitulated with more particularity, and are brought together, in order to demonstrate with what unanimity the Governments of foreign States recognised the right of the Confederacy to commission ships-of-war, and the uniformity with which they all repudiated the assumption of the United States that those ships were either 'piratical vessels' or 'privateers.'

An examination of the diplomatic correspondence, and of the proceedings before the Tribunal of Arbitration, will supply the most abundant evidence, not only of the greater facilities for obtaining supplies and repairs, and the greater privileges generally which were allowed to Confederate vessels in the ports of all the other Maritime Powers than were permitted to them in British ports, but will also demonstrate that those Powers were almost invariably more decided in their manner of setting aside the protests of the United States, and more resolutely determined to make no distinction whatever in the treatment of vessels of both parties in the Civil War than Great Britain; and yet the United States, in the 'Case' presented to the Tribunal of Arbitration, contrasts the strict observance of neutrality of some of the other Powers, and of France particularly, with the partiality which they allege was shown to the vessels of the

Confederate States by her Britannic Majesty's Government.

Great stress is of course laid by the United States upon the action of the French Government in respect to the vessels built by MM. Arman and Voruz for the Confederate States. The secret understanding which induced the Confederate Government to attempt to build ships in France has been fully explained in a previous chapter. The character of that understanding may not have been known to the Minister of the United States, and he may not even have suspected that Mr. Slidell had received covert encouragement from the Imperial Government. But when he obtained copies of private papers belonging to the builders through the treachery of a clerk, and was thus able to approach the French Minister of Foreign Affairs with very plausible reasons for official inquiry into the character and destination of the ships, the Imperial Government was only brought face to face with a contingency which must have been foreseen when Mr. Slidell was advised to make use of French dockyards. Mr. Dayton could give the Foreign Minister no information with which he was not already acquainted, and the Government could not hesitate between one of two courses.

It was possible for M. Drouyn de l'Huys to reply that M. Arman was building the ships in the ordinary course of his business, as a purely commercial transaction, and that he purposed to despatch them for delivery abroad, which was not contrary to French law, and therefore the Government could not interfere with the legitimate trade of the country. This is precisely what Mr. Slidell had been told would be the answer to any remonstrance from the United States. The alternative course was to affect ignorance of M. Arman's

original intentions, to assume an appearance of surprise and vexation at his attempt to infringe the Proclamation of Neutrality, and to compel him to break his engagements with the Confederate agent. The Imperial Government, for political reasons, did not feel willing to encounter the possible danger of adopting the first course, and there was no other choice but to follow the latter.

The vessels were not only built manifestly for war, but there had been no attempt at disguise, and no omission of any of the equipments necessary to make them efficient as fighting ships. Magazines and shell-rooms were placed in each, and all the bolts, traverses, and gear required for mounting and manœuvring the guns were provided. In fact, the guns themselves had been manufactured under the authority of the Minister of Marine, and the open, undisguised purpose was to despatch the ships from France, ready to go into action, except in respect to their fighting crews. If there had been no covert understanding, the usual, at least the natural and equitable course, would have been to have seized the ships and to have taken legal proceedings against the builders for their forfeiture, and against M. Arman for infringement of the Neutrality Laws. That course would have involved awkward exposures, because M. Arman, not finding it possible to deny the equipment of the ships, would have been forced to give a true history of the whole transaction in order to save the property from forfeiture, and as an act of self-defence.

The compilers of the 'Case of the United States' presented to the Tribunal of Arbitration make the following remark in reference to the forced sale of the Arman ships:—'The course pursued by France towards

these vessels is in striking contrast with Great Britain's conduct in the cases of the *Florida* and the *Alabama*.\* To those who may read this narrative, or who care to search the records of the Geneva Arbitration, the cases will not appear to be at all parallel. Setting aside the secret permission of the Imperial Government, and looking only to the actual condition of the Arman ships at the date of Mr. Dayton's complaint, it must be admitted that any neutral Power would have had no hesitation how to act—the obligation to intervene and to require explanation was manifest. The ships, as the French Minister of Marine said, were 'véritable corvettes de guerre,' and were 'equipped,' 'fitted out,' and 'furnished' in every respect as fighting ships, prepared to begin hostilities at the moment of passing the line of French jurisdiction. The *Alabama* and *Florida*, on the contrary, were vessels wholly unprovided with arms or munitions of war, and without any equipment or appliances which would have enabled them either to mount or use a battery of guns. They left England as helpless as all ordinary merchant ships, and could have been captured by the smallest and most weakly armed gun-boat, without the possibility of making any resistance.

It in no way concerns me to defend the action of her Majesty's Government against the charge of practising a lax rule of neutrality, and of having pursued a course which was unfriendly to the United States and encouraging to the South. Those who are curious to know what has been said on both sides must refer to the 'Cases' presented by the two Governments to the Tribunal of Arbitration. My office and my purpose is to state only such facts as will serve to place the action of the Confederate Government in a perfectly true and

\* See 'United States Case,' p. 73.

clear light, and then to demonstrate that the 'criminal proceedings' and the 'nefarious transactions' attributed to the representatives of that Government have no solid foundation, and rest upon no genuine or specific occurrences, but that all such expressions are mere 'figures of rhetoric,' which the State Department at Washington adopted as the means of manifesting its chagrin and disappointment because the civilized world would not pronounce Mr. Davis, Lee and Jackson rebels, and refused to treat Semmes, Maffitt, Waddell and Morris as pirates.

The correspondence between Mr. Seward and the United States Ministers at the Hague, Paris, and Rio de Janeiro manifests that he was angry with all alike, and complained with equal petulance against all who extended the favour of belligerent rights to the Confederacy, but he was never able to fix upon any other Power a specific act which in his judgment demanded a formal claim for damages. He found the occasion for such a pretension against Great Britain in the fact that ships were obtained in England which were afterwards used to make war upon the United States, and having found the pretext, he seems never to have abandoned for a moment the purpose to exact retribution, but prosecuted his aim with persistent and implacable consistency and vigour. The 'Secretary of State' is the member of the American Cabinet who has the management of the Foreign Affairs of the country, and he is the exponent of the national will and the expounder of the public feelings in regard to all that affects international relations. Mr. Seward held that office during, and for some time after, the Civil War, and he was therefore the medium of communication with foreign Powers, and he had the opportunity to impress his own views upon the



foreign policy of the United States, and to explain that policy in the spirit and language suited to his own temper and taste.

I know nothing of Mr. Seward personally, and have no purpose to criticise his special attributes, or his management of public affairs in the high office he held under President Lincoln. It is far less my wish to invade the domain of his private feelings, or to impugn the motives which gave life and energy to his acts. It has been necessary to comment upon the petulant, haughty, and dictatorial style of the official correspondence between the State Department at Washington and the representatives of foreign Powers during the Civil War, and it will furthermore be necessary to demonstrate that the grievances of the United States were urged by the Consuls, and even some of the higher agents who got their inspiration from Washington, in a manner not only out of harmony with the rules of diplomatic courtesy as commonly practised, but often in a style which was offensive.

In the statement of facts pertaining to the claims of the United States against Great Britain, and in commenting upon the mode of pressing them, a frequent mention of the high functionary who both formulated the demands and gave the key-note to the tone in which they should be urged is unavoidable, but no fact has been or will be mentioned, and no document will be quoted, that has not already been published among the diplomatic records, or which does not appear among the proceedings of the Geneva Arbitration; and in the comments upon the facts and documents Mr. Seward's name cannot be separated from the statements, complaints, and demands which were set forth by himself, or by his authority. The author or expounder of a national

policy which becomes historic, sacrifices his individuality so far as the public judgment is concerned. His name ceases to be an appellation suggestive of purely personal traits and attributes, but takes a generic form, and may be, and generally is, used as an historical synonym for the political events with which it is inseparably linked.

Mr. Seward is mentioned throughout this narrative in the impersonal sense suggested in the foregoing paragraph, a practice which is necessary for a clear and concise explanation of the subject, and which is justified by historic precedent and example.

The *Alabama* was the first foreign-built ship which took the sea under the Confederate flag, and her career presented more that was generally interesting to the public than the performances of either of her consorts, hence her origin, captures, and the treatment accorded to her by the home and colonial authorities of Great Britain attracted more than their due share of notice, and were the chief corner-stone upon which the United States based their complaints against her Majesty's Government. Indeed, her name was thrust so prominently and at such an early date into the diplomatic controversies which arose from the Civil War, that it came in time to be used as the specific title by which the murmurs, the pretensions, and finally the demands of the United States were designated, and they are all classed and scheduled in State Papers and in historical reminiscences under the generic title of the '*Alabama Claims*.' But although the famous Confederate craft was a prominent factor in the diplomatic war, which was waged for a longer time than the actual struggle, yet the grievances of the United States took a much wider range than the limits of her cruise, or the injury inflicted upon American commerce by her depredations.

In order that the general reader may be able to understand the comprehensive character of those claims, and may also understand how it came about that England and the United States appeared before an International Tribunal, it will be necessary to give not only a sketch of the general as well as the specific complaints which were urged against the Government and people of Great Britain, but to describe to some extent the manner in which her Majesty's Government received and treated the complaints during the progress of the war.

The surrender of Fort Sumter on the 13th of April, 1861, was the initial act of the Civil War. The President of the United States issued a proclamation on the 15th of April calling out troops to the number of 75,000 men.\* On the 19th of April he issued another proclamation, declaring a blockade of the ports within the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas; and on the 27th of April still another, extending the blockade so as to include the Southern ports as far north as Virginia. On the 3rd of May, 1861, the proclamation of the blockade was published in the London newspapers; on the 10th of May copies of the proclamation of blockade, and of the counter-proclamation of President Davis, were received by Lord Russell from the British Minister at Washington, and finally the blockade was officially communicated to Lord Russell by the United States Minister on the 11th of May.

On the 6th of May Lord Russell stated in the House of Commons that after consultation with the law officers the Government had come to the conclusion that the

\* The dates and order of the Proclamations are taken from the 'British Case,' pp. 4, 5, etc., which gives the United States source from which they were obtained.

Southern Confederacy must be treated as belligerents, and on the 14th of May her Majesty's Proclamation of Neutrality was issued, which acknowledged the existence of a Civil War, and thereby recognised the Confederate States as belligerents. The example of Great Britain was soon followed by the chief Maritime Powers in the following order :—France, June 10th ; Netherlands, June 16th ; Spain, June 17th ; Brazil, August 1st. The remaining European Powers issued 'notifications' at various dates, prohibiting the entry of privateers or prizes into their ports, and defining the conditions under which the public vessels of both parties should be permitted to enter and receive supplies, and drawing no distinction between them as belligerents.

Mr. Seward took prompt notice of the foregoing recognitions of the Confederate States, and vehemently denied the right of other nations to acknowledge their *de facto* status as that of a belligerent Power. He affirmed that the so-called Government at Richmond merely represented 'a discontented domestic faction.' Writing to Mr. Dayton on the 30th of May, 1861, he says :—'The United States cannot for a moment allow the French Government to rest under the delusive belief that they will be content to have the Confederate States recognised as a belligerent Power by States with which this nation is at amity. No concert of action among foreign States so recognising the insurgents can reconcile the United States to such a proceeding, whatever may be the consequences of resistance.'\*

In a subsequent despatch to Mr. Dayton (June 17, 1861), Mr. Seward says :—'It is erroneous, so far as foreign nations are concerned, to suppose that any war

\* 'United States Appendix,' vol. i., p. 192, quoted by Sir A. Cockburn, p. 82.

exists in the United States. Certainly there cannot be two belligerent Powers where there is no war. There is here, as there has always been, one political Power, namely, the United States of America, competent to make war and peace, and conduct commerce and alliances with all foreign nations. There is none other, either in fact or recognised by foreign nations. . . . The French Government says, in the instruction which has been tendered to us, that certain facts which it assumes confer upon the insurgents of this country, in the eyes of foreign Powers, all the appearances of a Government *de facto*, wherefore, whatever may be its regrets, the French Government must consider the two contending parties as employing the forces at their disposal in conformity with the laws of war. This statement assumes not only that the law of nations entitles any insurrectionary faction, when it establishes a *de facto* Government, to be treated as a belligerent, but also that the fact of the attainment of this status is to be determined by the appearance of it in the eyes of foreign nations. If we should concede both of these positions, we should still insist that the existence of a *de facto* Government entitled to belligerent rights is not established in the present case.\*

On the 21st of July, 1861, he wrote on the same subject to Mr. Adams as follows:—‘The United States and Great Britain have assumed incompatible, and thus far irreconcilable positions on the subject of the existing insurrection. The United States claim and insist that the integrity of the Republic is unbroken, and that their Government is supreme, so far as foreign nations are concerned, as well for war as for peace, over all the

\* ‘United States Appendix,’ vol. i., p. 202, quoted by Sir A. Cockburn, p. 82.

States, all sections, and all citizens, the loyal not more than the disloyal, the patriots and the insurgents alike,' etc.\*

The foregoing quotations will sufficiently demonstrate the position assumed by Mr. Seward on the part of the United States, a position which foreign Powers unanimously declared to be untenable, and at variance with the recognised principles of international law.

The views of the British Government were expressed in a despatch to Lord Lyons, her Majesty's Minister at Washington, dated June 21st, 1861. Lord Russell, in the despatch referred to, mentions that Mr. Adams had complained of the Queen's Proclamation of Neutrality as having been hasty and premature, and then adds:— 'I said (to Mr. Adams), in the first place, that our position was of necessity neutral; that we could not take part either for the North against the South, or for the South against the North. To this he willingly assented, and said that the United States expected no assistance from us to enable their Government to finish the war. I rejoined that if such was the case, as I supposed, it would not have been right either towards our admirals and naval commanders, nor towards our merchants and mercantile marine, to leave them without positive and public orders; that the exercise of belligerent rights of search and capture by a band of adventurers clustered in some small island in the Greek Archipelago or in the Atlantic would subject them to the penalty of piracy; but we could not treat 5,000,000 of men, who had declared their independence, like a band of marauders or filibusters. If we had done so we should have done more than the United States themselves. Their troops

\* 'United States Appendix,' vol. i. p. 214, quoted by Sir A. Cockburn, p. 82.

had taken prisoners many of the adherents of the Confederacy ; but I could not perceive from the newspapers that in any case they had brought these prisoners to trial for high treason, or shot them as rebels.\*

The policy of the British Government was more fully explained and justified in a letter from Lord Russell to Mr. Adams, dated May 4th, 1865. His lordship is writing on the subject of the blockade, and the action of Great Britain in recognising the Confederate States as a belligerent Power, and he says to Mr. Adams :—

‘ Let me remind you that when the Civil War in America broke out so suddenly, so violently, and so extensively, that event, in the preparation of which Great Britain had no share, caused nothing but detriment and injury to her Majesty’s subjects ; Great Britain had previously carried on a large commerce with the Southern States of the Union, and had procured there the staple which furnished materials for the industry of millions of her people. Had there been no war, the existing treaties with the United States would have secured the continuance of a commerce mutually advantageous and desirable. But what was the first act of the President of the United States ? He proclaimed on the 19th of April, 1861, the blockade of the ports of seven States of the Union. But he could lawfully interrupt the trade of neutrals to the Southern States upon one ground only, namely, that the Southern States were carrying on war against the Government of the United States ; in other words, that they were belligerents. Her Majesty’s Government, on hearing of these events, had only two courses to pursue, namely, that of acknowledging the blockade and proclaiming the neutrality of her Majesty, or that of refusing to acknowledge the

\* Quoted by Sir A. Cockburn, pp. 82, 83.

blockade, and insisting upon the rights of her Majesty's subjects to trade with the ports of the South. Her Majesty's Government pursued the former course as at once the most just and the most friendly to the United States. . . . So much as to the step which you say your Government can never regard "as otherwise than precipitate," of acknowledging the Southern States as belligerents. It was, on the contrary, your own Government which, in assuming the belligerent right of blockade, recognised the Southern States as belligerents. Had they not been belligerents, the armed ships of the United States would have had no right to stop a single British ship upon the high seas.\*

It would be a useless waste of time and space to make further quotations from the diplomatic correspondence on the foregoing subject. No one who has taken any interest in the questions of public law which arose out of the Civil War, and has made the least effort to acquaint himself with the views of those Powers whose maritime position and commercial privileges required them to assume a decisive attitude, can doubt that the United States stood quite alone in the assumption that 'the Southern States were still in the Union,' that their civil leaders 'represented merely a discontented faction,' and that the people were only 'insurgents' whom the Government at Washington should be permitted to chastise and reduce to obedience in its own fashion.

Every foreign Power with whom the United States found it necessary to remonstrate dissented from the foregoing pretensions, and affirmed the dissent with so much determination, that it would have been politic in Mr. Seward to have refrained from pressing them after

\* 'United States Documents,' vol. i., p. 295, quoted by Sir A. Cockburn, p. 80.



he had once attempted to satisfy his conscience by a firm and formal protest; but he never ceased to rail and wrangle, until Europe became tired, if not nauseated, by his ceaseless complaints and his bitter vituperations.

When the *Alabama* was commissioned as a Confederate ship-of-war off Terceira, and her visits to the ports of several of the Maritime Powers made it manifest that all were alike determined to grant her the status of a national cruiser, and to put her upon the same footing as the public vessels of the United States, the question of belligerent rights assumed a more practical form. Mr. Seward then found a tangible cause of complaint against Great Britain, and it must be admitted that, having once formed the purpose to seek redress from her Majesty's Government for the alleged offence of recognising the South as a belligerent State, and for granting the privilege of supplying her wants in the United Kingdom, he pursued his aim with great energy and steadiness, until he wrung from Mr. Gladstone's Government in 1871 a confession of regret, and from the British Exchequer the sum of \$15,500,000, half of which still lies in the United States Treasury for want of a recognised claimant to whom it can be justly paid.

All that is necessary to a clear understanding of the origin of the various Confederate cruisers has already been fully explained in previous chapters; all that relates to the alleged default of her Majesty's Government in respect to those vessels, which has not been made manifest in the course of this narrative, will be found in the proceedings of the Geneva Arbitration. A recapitulation of the circumstances connected with their building and despatch from England is therefore unnecessary;

a lengthy review of the 'Cases' presented by the two Governments to the Tribunal, or even a synopsis of the arguments of both sides, would require a volume, and would not be interesting, even if it were necessary to a satisfactory knowledge of the so-called '*Alabama* Claims,' and how they were made up and maintained. A few specifications of the various complaints and the replies, and a brief *resumé* of the principal claims set out by the United States in the 'Case' presented to the Tribunal of Arbitration, are, however, essential to a full illustration of the whole subject.

It has been already stated that the grievances of the United States covered a much wider field than the charges founded upon the depredations of the *Alabama* and her consorts. They were not all, or even the most warmly asserted of them, based upon tangible acts of omission or negligence in the performance of neutral duties, but were in the form of lamentations for the alleged unfriendliness of her Britannic Majesty's Government, and of chagrin in consequence of the alleged want of sympathy of the British public with the aims and objects of the war as expounded by Mr. Seward.

The mere statement of the 'Case of the United States' occupies a large Parliamentary Blue Book of a hundred and thirty-one pages. There is a short introductory chapter of seven pages, in which it is stated that a Joint High Commission appointed by Great Britain and the United States met at Washington 'in the spring of 1871,' and that statement is followed by a protocol of the conferences of the Joint Commission as to the '*Alabama* Claims,' and a copy of the 'Treaty of Washington,' or so much of it as relates to the settlement of those claims. The second chapter, or Part II. of the 'Case,' has the following heading in very large print: 'Un-

friendly course pursued by Great Britain towards the United States from the outbreak to the close of the insurrection.'

The foregoing somewhat sensational opening of the 'United States Case' manifests the spirit in which the '*Alabama Claims*' were prosecuted. Alleged 'unfriendliness' on the part of her Majesty's Ministers, and a want of sympathy on the part of the British public, formed the text of the legal exposition of those 'Claims' before the Tribunal of Arbitration, just as they had been the underlying stimulant which gave force and tartness to the diplomatic remonstrances from Washington, and had inspired the inflammatory manifestoes of the United States Consuls during the war.

No one can read the 'Case of the United States,' and the arguments in support of it, without perceiving that the chief object was to prejudice the arbitrators by disparaging the institutions and laws of Great Britain, and by impugning the motives of the British Government, and seeking to cast reproach upon the particular Cabinet Minister whose office it was to administer the foreign affairs of the country. The 'Case' is full of such statements, insinuations, and allegations as follow:—'Her Majesty's Government was actuated by a conscious unfriendly purpose towards the United States'—'the feeling of personal unfriendliness towards the United States continued during a long portion or the whole of the time of the commission or omission of the acts complained of'—'the facts established show an unfriendly feeling which might naturally lead to, and would account for, a want of diligence bordering upon wilful negligence'—'Great Britain framed its rules, construed its laws and its instructions, and governed its conduct, in the interest of the insurgents.' The colonial authori-

ties are said to have shown 'a persistent absence of real neutrality which should throw suspicion upon the acts of the British officials as to the vessels, and should incline the Tribunal to closely scrutinize their acts.' Earl Russell is arraigned before the Court of Arbitration as a Minister who 'evinced a consistent course of partiality towards the insurgents,' and he is charged with specific acts of delay in acting upon the information furnished him by the United States Minister, which it is insinuated arose from a friendly feeling towards the Confederate States.

Those who wish to fully appreciate the spirit which inspired the representatives of the United States at Geneva, and which actuated the compilers of the 'Case,' must refer to the printed statements and arguments of the two principals in the controversy. My purpose is only to furnish such facts and to make such extracts as may be necessary to justify the course pursued by the Confederate Government, and to demonstrate that if, as alleged, the sympathies of the British Government and the British public were with the Southern people, that sympathy was given to them partly because they won it by their own merit and the intrinsic justice of their cause, and partly because the United States repelled and turned it from themselves by the extravagance of their pretensions, and the arrogance with which their claims to it were asserted. The allegation that the British people were generally friendly and sympathetic towards the South is not confined to the statements to that effect in the 'United States Case,' but it appears throughout the diplomatic correspondence between Mr. Seward and the American Minister and Consuls in Great Britain during the war. The fact was constantly affirmed and bitterly resented by the newspapers in the Northern States; it

was denounced by members of both Houses of Congress, and the Northern people were manifestly offended, and were often led to express their disappointment and surprise in terms of bitter reproach against the British public.

Those who have read the proceedings before the Geneva Tribunal, and have cared to examine and to compare the statements in this narrative with the explanations and arguments of the British representatives, have all the data necessary to form independent opinions in regard to the alleged partiality of her Majesty's Government towards the Confederate States, and I will say nothing on that score. But my own personal observation, confirmed by the testimony of every other agent of the Confederate Government whose duties compelled him to reside in England during the Civil War, convinced me that the great majority of the people in Great Britain—at least among the classes a traveller, or a man of business, or a frequenter of the clubs, would be likely to meet—were on the Southern side. Circumstances threw me a good deal with army and navy men, and I can affirm that I never met one of either service who did not warmly sympathize with the South.

The assertion so frequently made by the representatives of the United States to the foregoing effect was, therefore, in all probability true ; but whether it was either good taste or sound policy to make the admitted fact a subject of official complaint, and to thrust it prominently forward in a legal process against her Majesty's Government, is questionable, to say the least of it. No Minister of State can be held responsible for the private opinions of those immediately under his control ; far less can the alleged sympathies of a whole people, or any portion of them, be justly charged as an

offence for which the responsible Government of the country can be called to account.

There can be no doubt that the tendency of public feeling in England during the few months immediately preceding the Civil War, and for a short time after the beginning of hostilities, was decidedly favourable to the North. The majority of the people in Great Britain knew little or nothing of American political history, and were wholly unable to trace the approach to a sectional division of Parties which had been gradually maturing, and which had at last been fully accomplished through the Presidential election of 1860. They had been induced to believe that 'the peculiar institution' of the South was the sole cause of the trouble; and their well-known sentiments on the subject of slavery in the abstract impelled them instinctively to give their sympathies to the North, whose cause was pictured to them, in highly coloured phrases, as that of the oppressed negro against the hard, exacting, and cruel taskmaster, who fattened upon the fruit of his muscles, and yet denied him even the consolations of religion.

The reasons why this feeling changed and was converted into sympathy with the South will, I think, become manifest to all who care to read the 'Blue Books,' the proceedings before the Geneva arbitrators, and other public documents which record what may be called the 'war correspondence' of the United States.

First, then, at the very beginning of the contest the slavery question was thrust into the foreground, and the freedom of the slave was placed before Europe as the motive which had aroused the philanthropic North to action. If the political leaders and the public press in the Northern States had been content to state their case in moderate language, or had merely represented slavery

as a national evil from which they wished to purge themselves, while the South insisted not only upon the right to maintain, but to extend it, but little curiosity to test the accuracy of the assertion would probably have been aroused, and the sympathy of the English people might have been retained. But from the beginning those who spoke and wrote on behalf of the North assumed a style of invective, and mingled so much vituperative denunciation of the Southern people with assertions of their own patriotic impulses and purity of purpose, that public interest abroad was excited in a manner which they did not expect.

Every possible effort was made by the Northern press and by the public men of the North to prejudice the people of Great Britain against the South. The anti-slavery poems of Whittier and Longfellow, the lectures of Emerson, the letters and speeches of Motley and Everett, were reprinted by hundreds and sown broadcast over the British Isles. To these were added the violent political harangues of Sumner, Thaddeus Stevens, and others in the Federal Congress, and the bitter, intemperate, and vituperative denunciations of Wendell Philips, Lloyd Garrison, and many others of like spirit who were not in Congress.

The British public was startled by this deluge of depreciation and invective. The desire to make inquiry was aroused, and those papers which had from the first taken the Southern side began to enlighten the people in reference to the true causes of the war.

Benevolence in Great Britain assumes a practical form : it partakes as little as possible of the nature of an emotion. A man who pronounces a blessing upon the hungry and the naked, and says to them, 'Go in peace ; I pray that God may feed and clothe you,' is not called

in England a philanthropist, but a hypocrite. The poor, the needy, and the oppressed require something more than tears and prayers to relieve their present distress, and a contribution of money, or a practical plan for the permanent redress of their grievances, is worth more than all the sighs that pity ever evoked, or the deepest and strongest denunciations that were ever launched against the tyrant oppressor from political platforms, or were ever uttered in the sedate atmosphere of a lecture-room.

The information in regard to the slavery question, which soon began to find its way to the people of Great Britain, was not supplied from the South nor by Southern men. Those persons from the South who might have enlightened the public mind of Europe upon the causes of the war, and who could have exposed the exaggerated statements and pretensions put forth on behalf of the North, had more urgent affairs to occupy them. But whenever knowledge is sought and inquiry is keenly aroused, there are always to be found men who are willing to collect the facts and disseminate them.

Two or three leading English papers sent correspondents to the United States, and one—the *Times*—sent a representative who wielded a ready and eloquent pen to Richmond. Several daily papers and one or two of the monthlies began and continued to write from the Southern standpoint, and as the subject grew in interest and importance, investigation was stimulated, and the true bearing of the slavery question, and the conduct of the North in respect to it, was widely discussed and explained by numerous letters to the press, by pamphlets, and by speeches in and out of Parliament. The information thus laid before the British public was to the following effect :—

Slavery, as it existed in America, was an inheritance



from the mother country. It was forced upon the colonies against the protest of some of them, notably of Virginia. At the close of the War of Independence, it existed in all the colonies, and was recognised as a legal institution by the constitution of the United States when the Federal Union was formed. From climatic and other causes, slave labour was more profitable throughout one section than the other, and the slave population gravitated by a natural law towards the States lying south of the Potomac. No Northern State emancipated its slaves, but the greater portion of them were transferred to the South by sale, and the remnant gradually disappeared. When the North was thus freed from slavery, not through any self-sacrifice, but chiefly by trade and barter, helped by natural causes, the agitation for its abolition elsewhere, and the abuse of the South for maintaining it, began.

When Wilberforce, Brougham and Clarkson aroused the British Government and the British people to a sense of the injustice of slavery, their fervid eloquence was directed against the institution itself, and not against those who had inherited it, and were in no sense responsible for its origin, and the whole country, conscious of its complicity in founding a system which had come to be regarded as an offence, contributed £20,000,000, to remove the shackles from the slave, so as to make a great act of national atonement, not a measure of confiscation, but of true benevolence.

The agitation in the Northern States was carried on in a very different spirit. The original Abolitionists and the political Party leaders with whom they in course of time became amalgamated, adopted only one method, and that was abuse and invective. Neither Puritan nor poet, neither statesman nor public writer,

neither State Legislature nor other corporate association at the North, ever proposed a practical plan for the abolition of slavery, or suggested that the wrong over which they professed to be grieving was a national sin, and should be redressed by a common sacrifice. Speeches in and out of Congress, novels, pamphlets, poems, sermons, were filled with invective denouncing the wickedness of the slave-holder, but never contained a hint or suggestion how the sin should be purged, or a generous offer to share in the process.

Meanwhile, emigration was yearly giving to the Northern States increasing political power. They soon began to use that power in passing protective laws which well-nigh prohibited the import of Manchester goods and Birmingham wares, and thus permitted the great mill-owners of New England to grow rich from the manufacture of slave-grown cotton, and the iron-masters of Pennsylvania to supply the implements for its production at large profits to themselves.

Every article worn by the Southern slave, every tool used by him, yielded a profit to the Northern commission merchant, and almost every acre of slave-tilled soil paid a tax in the form of interest upon advances to a Northern banker or money-lender. This constant, steady drain had gradually impoverished one section and enriched the other, and it had become manifest to all who examined the subject thoughtfully that the burden and the 'odium of slavery' rested upon the South, while the profits accrued to the North.

Notwithstanding the continued tirades against slavery and the slave-holder, the leaders of the Republican Party at the North continued even up to the election of Mr. Lincoln to bid for votes at the South, and from those at the North who were still desirous to give the South fair

play in the Union, by professing a respect for State rights. The fourth article of the Republican platform adopted at Chicago in 1860 is in these words:—‘The maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.’ Mr. Lincoln, in his inaugural address, thus expounded the policy of his administration:—‘I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists; I believe I have no lawful right to do so, and I have no inclination to do so. Those who nominated and elected me did so with a full knowledge that I had made this and many similar declarations, and had never recanted them.’

In spite of the prohibition of the slave-trade, it continued to be carried on in American vessels trading to Cuba and Brazil, down to the very outbreak of the war, and the vessels employed in it were almost exclusively fitted out at Northern ports. ‘Lord Lyons (the British Minister at Washington) stated in September, 1860, that in the previous eighteen months eighty-five vessels had sailed from American ports to be employed in the slave-trade; of ten vessels captured in one year by the American Squadron on the coast of Africa, seven were from New York.’\*

The foregoing statements in regard to the slavery question, and the position of the Northern States in respect to it, are not made as an exposition of the subject on behalf of the South with any partizan purpose. I confidently affirm that they are only a fair, though very short, summary of the numerous articles

\* See ‘The American Union,’ by Mr. James Spence, p. 151.

on the subject which appeared in the English newspapers, or which were otherwise set before the British public during the Civil War. I have carefully eliminated every extravagant expression, every strained or far-fetched inference, which appeared in the articles and letters referred to, and I have equally omitted to mention or to paraphrase all statements which bear the likeness of angry retort or recrimination.

Some of the newspaper articles and pamphlets published in England during the early months of the war gave copious extracts from the speeches of the Northern Abolitionists and prominent men in the Republican Party, and called attention to their violent, abusive, and exasperating tone. Mr. James Spence, in his work 'The American Union,' furnished such extracts from speeches of William Lloyd Garrison, as follows:—"So long as this blood-stained Union existed, there was but little hope for the slave"—"this Union is a lie; the American Union is a sham, an imposture, a covenant with death, an agreement with hell." To inform the British public how the North proposed to deal with the question of slavery, Mr. Spence quoted from a book written by a leading Abolitionist named Helper, as follows:—"Compensation to slave-owners for negroes. Preposterous idea!—the suggestion is criminal, the demand unjust, wicked, monstrous, damnable! Shall we pat the blood-hounds for the sake of doing them a favour? Shall we fee the curs of slavery to make them rich at our expense? Pay these whelps for the privilege of converting them into decent, honest, upright men?" And he adds:—"In other passages they (the slaveholders) are compared to "mad dogs"—with "small-pox, as nuisances to be abated;" they are classed with gangs of "licensed robbers," "thieves," and "mur-

derers," and addressed in terms and insulted with epithets such as none, however disinterested, can read without strong feelings of indignation.' Lest it should be thought that the 'wretched ribaldry,' the coarse invectives, and the exasperating insolence of this man Helper were only the ravings of a maniac, or the wild incoherent utterances of an irresponsible fanatic, Mr. Spence informed his readers that the book was addressed to the American people, and was recommended for circulation by the signature of sixty-eight members of Congress from Northern States, including Mr. William H. Seward and Mr. John Sherman.

The majority of those who read the information thus for the first time submitted to their judgment, came to the conclusion that the North, in the aggregate, had as much moral complicity with slavery as the sugar-planters of the Mississippi bottoms, or the cotton-growers of the Gulf States, and they perceived that the Southern people had just cause to be dissatisfied with a Union whose protective tariff was impoverishing them, and in which they were exposed to continuous invective and abuse in respect to a domestic institution whose pecuniary profit accrued in the greater part to that portion of the country in which the abuse was coined, and from which it passed into foreign circulation.

When the people of Great Britain learned the whole truth, and contrasted the conduct of the North in reference to slavery before the war with the appeals for sympathy after the beginning of hostilities, they perceived the weakness of the claim and the insincerity of the pretext, and this discovery aroused a feeling first of indifference to the North, and then, by a natural process of reaction, they transferred their sympathies to the maligned Southerner. The popular verdict in England

was that 'the struggle between the North and South was a contest for political power and ascendancy, and that in reference to slavery the North discarded or ignored all practical measures for emancipation, and confined their operations to oratory, preaching, sentimental poems, fiction, and invective.'\*

The opinions of the responsible statesmen of Great Britain may be stated in the following extract from a speech delivered by Earl Russell at Newcastle on the 14th of October, 1861:—'We now see the two parties (in the United States) contending together, not upon the slavery question, though that I believe was probably the original cause of the quarrel, not contending with respect to free-trade and protection, but contending, as so many States in the Old World have contended, the one side for empire, and the other for independence.'†

It does not concern any Southern man to defend the foregoing opinion of the people and of the governing class in Great Britain. I am simply recording facts to illustrate the process by which the United States lost the sympathy which they doubtless had at the beginning of the secession movement, but which they never ceased to allege was transferred to the South immediately after the outbreak of hostilities. The attitude of both North and South towards the institution of slavery is now well understood. The impartial historian of the future will hardly represent such men as Henry Clay, John C. Calhoun, Jefferson Davis, and Alexander H. Stephens, in the light of hard taskmasters whose object was to extend the area of slavery and to oppress their fellow-men, while Wendell Philips, W. H. Seward, Charles

\* Quoted in substance from 'The American Union,' and from 'Life and Liberty in America,' by Dr. Mackay.

† Quoted in 'United States Case,' p. 23.

Sumner, and Abraham Lincoln, were fired by a philanthropic zeal to circumscribe its limits, and to abolish its practice from love for the victims. No future pen, writing with truth and fairness, and guided by a sense of just impartiality, will exhibit Sydney Johnstone, Robert Lee, and 'Stonewall' Jackson as men who fought to rivet shackles upon the slave, and will at the same time describe Ulysses Grant, Wm. T. Sherman, Philip Sheridan, and Benjamin F. Butler as drawing their swords to sever the bonds. Such a record would be a greater travesty of history than was ever imposed upon a credulous posterity.

Another reason why the sympathy of Europe, but especially of Great Britain, was alienated from the North, arose from the offensive manner in which Mr. Seward continued to use the terms 'insurgents' and 'pirates' in communicating with foreign Powers in respect to their neutral duties, and their attitude towards the Confederacy. The popular feeling in England on that subject may be clearly demonstrated by the following quotations from a lengthy paper written by Sir Alexander Cockburn, giving the reasons why he dissented from some portions of the award of the Geneva Arbitration. 'Men' (he said) 'refused to see in the leaders of the South the "rebels" and the "pirates" held up by the United States to public reprobation, and thus the effect which a more generous appreciation of the position and qualities of their adversaries might have had in neutralizing the feeling in their favour, tended only to increase it' (p. 114). 'Whatever the cause in which they are exhibited, devotion and courage will ever find respect, and they did so in this instance. Men could not see in the united people of these vast provinces, thus risking all in the cause of nationality and independence,

the common case of rebels disturbing peace and order on account of imaginary grievances, or actuated by the desire to overthrow a Government in order to rise upon its ruins. They gave credit to the statesmen and warriors of the South—their cause might be right or wrong—for the higher motives which ennoble political action, and all the opprobrious terms which might be heaped upon the cause in which he fell could not persuade the world that the earth beneath which Stonewall Jackson rests does not cover the remains of a patriot and a hero' (p. 72).

The official view was expressed in the course of a speech by Earl Russell in the House of Lords, 9th of June, 1864. He said:—'It is dreadful to think that hundreds of thousands of men are being slaughtered for the purpose of preventing the Southern States from acting on those very principles of independence which, in 1776, were asserted by the whole of America against this country. Only a few years ago the Americans were in the habit of celebrating the promulgation of the Declaration of Independence, and some eminent friends of mine never failed to make eloquent and stirring orations on those occasions. I wish, while they kept up a useless ceremony (for the present generation of Englishmen are not responsible for the War of Independence), they had inculcated upon their own minds that they should not go to war with four millions, five millions, or six millions of their fellow-countrymen who want to put the principles of 1776 into operation as regards themselves.'\*

Again, the English official sense of decorum was offended by the uncivil and often sarcastic manner in which the United States Consuls communicated their

\* Quoted in 'United States Case,' p. 26.



complaints both to the home and colonial authorities. I might give many extracts from the letters and protests of Mr. Dudley at Liverpool, Mr. Graham at Cape Town, and the Consul at Nassau; but it is hardly necessary. Those gentlemen adopted all the opprobrious epithets of their departmental chief, and hurled them at the British officials with a reckless disregard of official courtesy, or of the inevitable contempt which they were likely to excite. Sir Alexander Cockburn says :—‘ The offensive tone which the United States Consuls allowed themselves to assume towards British authorities is not a little remarkable.’\*

Many Americans of refinement and education, who have travelled abroad and have learned to understand and appreciate the requirements as well as the advantages of diplomatic courtesy and restraint, have no doubt felt both regret and shame because the style adopted by some of the national representatives in their official papers during the Civil War was not a little more in harmony with the standard types of public manifestoes; but, unhappily, the exigencies of American home politics are such that the highest and most important offices must often of necessity be given, not to the men who are fittest for them through training, culture, and a comprehensive acquaintance with affairs, but to men who have made themselves most useful and most indispensable to the success of a particular Party, and to the maintenance of its power. Such offices as that of Consul and others

\* If any American cares to read the public correspondence of the consular, and some even of the higher representatives of the United States during the Civil War, he will understand how much offence may be given through the neglect of diplomatic courtesy, and how sympathy may be alienated from a national cause by brusqueness and want of tact on the part of its official exponents.

are, as it were, farmed out to the great 'wire-pullers' and 'machine' operators; and thus it often happens that a village politician, who knows nothing of international commerce or international law, whose vocabulary of political phrases is limited to the Party slang of the day, who never wrote a public letter in his life, except to the chairman of the committee for manipulating the county vote, is suddenly transformed into a consular agent, and is sent to an important commercial port across the sea, where he is often required to deal with intricate questions of maritime law and usage, to correspond with official persons of dignity and importance, and to attend public meetings and receptions, all of which require some previous training, a good deal of technical knowledge, and familiarity with the rules of etiquette.

If some of the United States Consuls during the period of the war were more zealous than discreet, and injured the cause they were burning to serve by thrusting into their official correspondence the warmth and effrontery which they knew from experience was effective in a political campaign at home, it is only fair to remember that they acted according to their lights, and that the sin lies not in the individual, but in the system which renders such scandals possible.

As the name of Mr. Dudley, the United States Consul at Liverpool, is of necessity frequently mentioned in connection with the '*Alabama* Claims,' it is an imperative act of justice for me to mention that he was appointed to the consular office at Liverpool at the beginning of the war, and was retained in that office during the whole of its continuance, and for several years after its close. He must therefore have won and maintained the entire confidence of his Government. All who examine the records will admit that he manifested

both zeal and ability, although he sometimes permitted the former to outrun his discretion. His own personal statements were doubtless made in good faith, but he often accepted the evidence of talebearers without duly testing the probability of the story or the character of the informer, and thus the evidence tendered by him failed when brought to the test of judicial inquiry, and appears to have been frequently discredited, or at least looked upon with suspicion, by the law officers of the Crown.

Liverpool, London, and Paris have often been fortunate in escaping the evil consequences of the haphazard manner of selecting consular representatives so often practised by the United States. It will be remembered that Nathaniel Hawthorne was once the American Consul at Liverpool; and the successor of Mr. Dudley, General Lucius Fairchild, was a gentleman whose social qualities endeared him to many persons in England beyond the circle of Liverpool society, and who was, besides, a man of cultivation and knowledge of affairs, fit in every respect to represent his country creditably in any office.

There was one branch of the public service, and one corps of public officials, upon whom the United States might have justly relied, not only to sustain the national prestige abroad by skill and gallantry in battle, but to maintain its influence through the uniform practice of tact, judgment, and good temper.

Naval officers of all nations acquire a sort of generic type in respect to the outward manifestations of official decorum. The advantage of frequently appearing at foreign Courts and mixing with high personages, the frequent necessity of conducting important correspondence with Ministers of State, of attending conferences, and taking part in public ceremonies, all of which fall

within the general professional experiences of most naval officers, prepare and fit them by habit and training to act with dignity, self-possession, tact, and judgment under circumstances which would embarrass, if not confound, the ordinary civilian, even though he might be well versed in the conventional usages of polite society.

It may be very fairly claimed that the naval officers of the United States, taken as a class, have never heretofore shown a deficiency in that special training and in those especial accomplishments which appear to be the natural effects of a sea life, supplemented by naval education and discipline, under whatever flag. Unhappily, it must be admitted that some commanding-officers of United States ships during the war lost their true and genuine professional poise, and by an unaccountable inadvertence, or, as it may be hoped, a temporary aberration, they fell into the consular vein of correspondence, and acted on some occasions in the spirit of their political chiefs at home, and thus contributed to increase that British sympathy for the South of which Mr. Seward so bitterly complained.

In February, 1863, the *Florida* touched at the British island of Barbadoes, and was permitted to take on board some lumber for necessary repairs, and to receive ninety tons of coal. Admiral Wilkes, who commanded the United States squadron in the West Indies, and had been on the look out for the *Florida* off Martinique, soon heard of her visit to Barbadoes and the privileges granted her there. He proceeded at once to that island, and sought a personal interview with the Governor. Governor Walker explained the principle upon which he had acted, but the irate Admiral was not satisfied. He went on board of his ship and addressed the Governor a

letter of mingled remonstrance and reproach, which also contained a demand for an explanation. Governor Walker declined to give any explanation in reply to such a letter, but forwarded it to the Duke of Newcastle, who was then Secretary of State for the Colonies, with a statement of the facts.

The report of the Governor and the letter of Admiral Wilkes were referred to the law officers of the Crown, to report whether there had been any breach of neutrality on the part of Governor Walker, or any departure from the conditions of her Majesty's Regulations. The law officers in their report comment upon the incident as follows:—'We are of opinion that his Excellency the Governor of the Windward Islands does not appear to have been guilty of showing any undue partiality to the *Oreto (Florida)*, or to have committed any literal breach of her Majesty's Regulations. We would take the liberty of observing, further, that his Excellency owes no account to Admiral Wilkes of his conduct in the matter of his discharge of his duties towards her Majesty, and that the very offensive tone and language of that officer's letter ought to apprise his Excellency of the inexpediency of long personal interviews and explanations with him. It is manifest that upon this, as upon other occasions, these interviews and explanations are made the pretext for writing subsequent letters of this description, intended to be used hereafter very disingenuously, as proof of charges made at the time of the favour shown by her Majesty's officers to the Confederate States.'

The law officers who signed the report of which the foregoing is an extract were Sir William Atherton, Attorney General, Sir Roundell Palmer (now Lord Selborne), Solicitor-General, and Sir Robert Phillimore,

Queen's Advocate; and if three such eminent jurists felt impelled to go rather out of their official line of duty to pass such a stricture upon Admiral Wilkes's conduct, it is manifest that he must have trampled rather roughly upon British susceptibilities.

The Duke of Newcastle, instructing Governor Walker in respect to the whole occurrence, under date of July 16th, 1863, writes him as follows:—‘You were quite right in refusing to enter into correspondence with that officer (Admiral Wilkes) upon the matter adverted to in his despatch of the 5th March. On this, as on other occasions, it has become evident that interviews and explanations such as you accorded to Admiral Wilkes were made the pretext for placing on record charges more or less direct against officers of her Majesty. And I think that, as the Governor of one of her Majesty's Colonies owes no explanation of his conduct to an officer of the United States navy, it will be prudent hereafter to avoid such explanations as far as the rules of courtesy will allow. It is the wish of her Majesty's Government that matters of complaint should in general be discussed between the two Governments concerned, rather than between any subordinate officers.’\*

It will thus appear that the executive and the legal branches of her Majesty's Government both regarded Admiral Wilkes's bearing towards the Governor of Barbadoes in the same light, and the incident must have had some effect in prejudicing the cause of the United States.

In February, 1862, the Confederate ship *Sumter*, Captain Raphael Semmes, was lying in Gibraltar. The United States ship *Tuscarora*, Captain G. Augt. Craven,

\* This correspondence and the report of the law officers is quoted by Sir A. Cockburn, pp. 166-168.

came there to watch her, but wishing to avoid the restrictions upon her movements to which it would have been necessary to submit if she also continued to occupy the anchorage at Gibraltar, she crossed the bay, and took up a berth at the Spanish port of Algeciras, from which she could command a view of the *Sumter*, and either note her departure or get daily advice of her probable movements. It appears from the published correspondence in the Appendix to the British Case, vol. ii. (pp. 27-29, etc.), that Captain Craven was in the habit of sending a boat across the bay, ostensibly to communicate with the United States Consul, but the visits manifestly assumed the character of a system of espionage upon the *Sumter*. At last Captain Semmes reported the circumstances to the Governor and to the senior British naval officer, and complained of being thus watched by an enemy in neutral waters. In consequence of Captain Semmes' report, a letter was sent to Captain Craven, signed jointly by the Governor and the senior naval officer, and the communication was as follows:—\*

'Gibraltar, February 20th, 1862.

'SIR,—

'A boat from the *Tuscarora*, now at anchor at Algeciras, came across the bay yesterday morning. Captain Semmes complains that she pulled round the *Sumter*, as if watching her. It is necessary for the maintenance of the neutrality of this port that advantage should not be taken of the close proximity of a foreign anchorage (in some places only two and a half miles distant) in aid of any warlike purpose. Considering as we do that the presence of the boat represents the

\* For the following correspondence see 'British Case,' Appendix, vol. ii., pp. 27—41.

ship herself, we are of opinion that its presence, under such circumstances, is an infringement of the rules of which you were given a copy on the 12th instant. We have, therefore, to request you will be good enough, during the stay of the *Tuscarora* in the Spanish waters of this bay, to abstain from sending your boats at all into these waters.

‘ I have, etc.,

‘ (Signed)      W. J. CODRINGTON.

‘ F. WARDEN.’

On the same day Captain Craven replied to the foregoing letter as follows, but addressed his reply to the Governor alone :—

‘ United States’ Steamer *Tuscarora*,

‘ Off Algeciras, *February 20th*, 1862.

‘ SIR,—

‘ I have the honour to acknowledge the receipt of your communication of this day. The complaint of the captain of the pirate *Sumter* is without a shadow of truth. I summoned before me the coxswain of the boat, and, in the presence of the officer who brought me your letter, asked him as to the course he steered in returning from Gibraltar yesterday. He replied that he came straight across, passing somewhat to the southward of the *Warrior*. The boat was sent over on business for the ship, and from the course taken by the officer of the boat I know, from my own observation, that he made a great circuit to the southward. The officer who went in the boat has not returned. I am mortified, sir, in thus being compelled to make explanations against the accusations of a man regardless of truth and honourable sentiment. Your request that I will not send boats to Gibraltar deprives me of sending for mails or communicating with the



United States Consul ; and I must in good faith inquire whether it is right that, on the loose accusation of a notorious corsair, you desire to prohibit me from intercourse with the town under your command.

‘ (Signed)      G. AUG. CRAVEN.’

The Governor of Gibraltar replied to Captain Craven as follows:—

‘ Gibraltar, *February 21st*, 1862.

‘ SIR,—

‘ I have to acknowledge the receipt of your letter of yesterday, and to express my regret that you should think it necessary to use such terms in your correspondence with me as “the captain of the pirate *Sumter*,” “notorious corsair,” and “a man regardless of truth and honourable sentiment.” I do not wish unnecessarily to be made the recipient of terms of abuse levelled against any one, still less against an officer who, in his written and personal communications with me, under circumstances of annoyance and difficulty to himself, has not forgotten what is due to his own position, and to the position of those with whom he was in correspondence. The Government of England has recognised the United States and the so-called Confederate States of America to be belligerents with belligerent rights. You are aware of this fact, and it renders your terms of “pirate” and “notorious corsair,” applied to a Confederate vessel in this anchorage, incorrect, and offensive to the authority thus granting and maintaining the rights of neutrality. You have not touched upon the main ground of the decision of Captain Warden and myself as to your boats coming into Gibraltar from Algeciras, viz., that they are, in law, part of the ship

itself, and that their presence here, coming from Spanish waters close to Gibraltar, is an infringement of rules which must be observed. With regard to your being deprived of sending for mails or communicating with the United States Consul of Gibraltar whilst you are at Algeciras, I can only say that the decision of Captain Warden and myself, in our joint letter of yesterday, refers only to the points mentioned in that letter; the use of this anchorage will be given and limited to both belligerents equally, but it is not right for one belligerent to obtain for his ship the advantage of absence in a neighbouring foreign port, and of presence at the same time in this port by means of his boats.'

'It would have been better to have made strict inquiry into the facts as to the course taken by your boat, before you declared the complaint to be "without a shadow of truth." I have to inform you that your boat did not pass "straight across" from the water-port to you, and that it did not pass "somewhat to the southward of the *Warrior*." Your boat went out of the straight course materially; it passed to the east, to the north, to the west, and pretty close to the *Sumter*; it passed north and west of the *Samarang* port-vessel; afterwards between the Peninsular and Oriental hulk and her Majesty's ship *Warrior*. These facts are established by English officers who saw your boat.

'I regret the necessity of having thus to remark upon the expressions and statements in your letter. Difficult questions arise, and official differences may take place under the painful circumstances of the war between the Northern and Southern States of America; but it has ever been, and still will be, a pleasure to me to show to the navy of the United States the consideration and hospitality which the English Government wishes to

afford to all those who make use of the harbours under its control.

‘ I have, etc.,

‘ (Signed)      W. J. CODRINGTON.’

On the day after the foregoing letter was forwarded to Captain Craven, he wrote the following letter\* to the Governor :—

‘ United States’ Steamer *Tuscarora*,

‘ Off Algeciras, *February 22nd*, 1862.

‘ SIR,—

‘ I have the honour to submit to you that on my arrival in the waters of Gibraltar, on the 12th instant, I received from the Colonial Secretary, under your instructions, an official copy of “ Rules laid down with regard to belligerent vessels entering the port.”

‘ In accordance with those rules, I, with the vessel under my command, promptly departed from British waters. I observe, however, that the corsair *Sumter* remains in undisturbed possession of her anchorage at Gibraltar. May I ask, sir, under what section of the rules that vessel is permitted to remain in British waters while a vessel belonging to the United States is excluded ? In behalf of the Government of the United States, and under the well-defined principles of international law, I have to protest against what appears to be a departure from those rules, which require that neutrals shall be impartial and honest.

‘ I have, etc.,

‘ (Signed)      G. A. CRAVEN.’

The repetition of the epithet ‘ corsair,’ and the general tone of the foregoing letter, manifestly offended the

\* ‘ British Case,’ Appendix, vol. ii., p. 41.

Governor, and brought from him a reply dated on the same day (February 22nd), from which the following is an extract:—

‘The Confederate steamer *Sumter* remains here under proper authority, and I decline to discuss with you the rules to which you refer, your particular interpretation of them, or to account to you for my proceedings under them. In reference to the last sentence in your letter—I quote your words—that “you protest against what appears to be a departure from those rules, which require neutrals” (meaning, I presume, the English Government and myself, as Governor of Gibraltar), “should be impartial and honest.” If you are aware of the effect of this latter epithet, you have communicated to me for the English Government a direct and insulting insinuation, as indecorous for you to have written as it is improper for me to receive. If you are not aware of it, it is right for me to show you the effect of language which, I trust, a regard for your own position will prevent you from repeating in your correspondence with me.’\*

The foregoing correspondence needs no comment to add to its point and pungency. Captain Semmes was amply revenged for the epithets of ‘pirate’ and ‘corsair,’ and for the reflection which Captain Craven ventured to cast upon his veracity, and probably no naval officer has ever received a more dignified and yet cutting rebuke from a high foreign functionary.

The Governor of Gibraltar at that time was Lieutenant-General Sir, W. J. Codrington, an officer of the highest consideration in the British army. The senior naval officer was Captain F. Warden, C.B., also distinguished in his branch of the service. Notwithstanding the prohibitions of the Governor and his explanation of the

\* ‘British Case,’ Appendix, vol. ii., p. 31.

‘rules,’ Captain Craven appears to have persisted in sending his boats to Gibraltar, which gave occasion for the following order from Captain Warden to Captain Chads, of her Majesty’s ship *London*, dated Gibraltar, February 22nd, 1862\* :—‘With reference to the orders dated 21st instant, under which you are acting, I have to acquaint you that the *Tuscarora* having sent a boat to the water-port this morning, and taken off supplies without permission, it is my direction that the boats of the *London* are held in a state of constant preparation for the purpose of preventing any boat belonging to the *Tuscarora* from passing the *London* into this bay at all so long as that ship remains in Spanish waters. It is undesirable that force should be used unless absolutely necessary; but force is to be used rather than permit any violation of the rules laid down. Similar orders have been issued to the *Scylla* and *Amphion*.’

The United States Consuls put themselves in the way to receive some rebukes, and Mr. Seward and one or two of his diplomatic staff invited an occasional thrust, but the ‘retort courteous,’ when administered by a civil functionary, is often so concealed in the phrase which envelops it, as to be scarcely discernible at first sight. When, however, the ‘counter-thrust’ comes from a military or naval man who knows how to wield his pen, it goes straight to the core with the keenness of the sabre or the sharp point of a marlin-spike. The *esprit de corps* of military and naval officers renders them sensitive to slights or impertinences offered to their immediate commanders while performing the duties of their office, and they are also inclined to resent all acts of rudeness to the representatives of their Government. The alleged partiality of the sister British services for

\* ‘British Case,’ Appendix, vol. ii., p. 30.

the Confederacy during the late Civil War, may very likely be traced, in part at least, to the feeling of resentment against the United States aroused by the brusque and inconsiderate manner in which some American naval officers claimed their assumed rights, or remonstrated against the 'rules,' which only placed them on the same footing with their adversaries while lying in British ports.

I have no wish to make too much of the foregoing point, and therefore refrain from mentioning other manifestations of jealousy and ill-temper which are alluded to in the 'British Counter Case,' or which appear in the published correspondence. But the alleged leaning of the British Government and people towards the South is so prominently set out in the diplomatic manifestoes of the United States, and in their 'Case' before the Tribunal of Arbitration, that it appeared to be absolutely necessary to demonstrate that if the allegation is true, there were some reasons for the preference.

It is manifest from the published correspondence that the purpose to seek redress from Great Britain for the depredations of the Confederate cruisers was formed not long after they had begun their operations, and it appears that Mr. Adams intimated the willingness of the United States to submit the questions at issue to some form of arbitration as early as October, 1863.

On the 20th of May, 1865, Mr. Adams wrote a very long letter\* on the subject of the claims and complaints of the United States to Earl Russell, and began by recapitulating the points he wished to maintain, which he specifies under nine different heads. Mr. Adams

\* 'British Case,' Appendix, vols. iii., iv. Correspondence respecting the *Shenandoah*, p. 10.

was not only a man of ability and of large official experience, but he was a gentleman by birth and education. He was held in high personal esteem by Earl Russell, and his courtesy, tact, and conciliatory manners are often acknowledged. But even he sometimes yielded to the influences from home, and was entrapped into giving currency to the exaggerated statements which unhappily characterized the State Papers of that period which received their inspiration from the Department of Foreign Affairs at Washington. The fourth point which Mr. Adams mentions his purpose to maintain is thus specified :—‘ That during the whole course of the struggle in America, of nearly four years in duration, there has been no appearance of the insurgents as a belligerent on the ocean, excepting in the shape of British vessels, constructed, equipped, supplied, manned, and armed in British ports.’

The simple truth is that the Confederate ship *Sumter* was built in Philadelphia. She was bought by the Confederate Navy Department in New Orleans, in April, 1861. She was fitted out at that port, sailed out of the Mississippi in broad daylight, was chased by the United States ship *Brooklyn*, but escaped, and took several prizes into the Spanish Colonial port of Cienfuegos, where she was received and recognised as a duly commissioned ship-of-war, before Mr. Adams had penned his first protest in respect to the *Florida* or *Alabama*, before, in fact, either of those ships were launched, and long before any Confederate ship of alleged British origin had put to sea.

Besides the *Sumter*, the following named vessels were fitted out and sent to cruise from Southern ports during the year 1861. *Calhoun* from New Orleans, *Jeff Davis* from Savannah, *St. Nicholas*, *Winslow*, *Sallie*, *York* and

*Nashville* from other ports. During the year 1862, the *Echo* was despatched on a cruise from a Confederate port. In 1863 the captured American ships *Retribution* and *Boston* were commissioned, and in 1864 the *Chickamauga* and *Tallahassee* were despatched from Wilmington. In the 'British Case' (p. 7) it is stated that the above-named vessels were reported to have captured, in the aggregate, from sixty to seventy vessels.

The foregoing facts were so notorious at the date of Mr. Adams's statement, that it is surprising they should have escaped his memory. Moreover, in the United States 'Case,' claims are made against Great Britain for the depredations of nine vessels in addition to those which it was admitted were either bought or built in England, although neither equipped nor armed there.

The claims in respect to the foregoing nine vessels were thrown out by the Tribunal of Arbitration. Seven of the nine were American built ships, or at least they were bought by the Confederate States in Confederate ports, were armed, equipped and manned within the Confederacy, and never entered a British port, if at all, except as commissioned ships-of-war. The remaining two were ordinary blockade-runners, built, it is true, in England, but taken to Wilmington by private parties on their own account exclusively, where they were sold to the Confederate Navy Department. The whole number of vessels in respect to whose alleged depredations the United States claimed compensation was thirteen,\* of which only four could by any possible straining of the facts be said to have been fitted out in

\* In addition to the thirteen above-mentioned, claims were made in respect to four vessels alleged to be tenders of the *Florida* and *Alabama*.



England, and yet Mr. Adams ventured to affirm, at so late a date as May 20th, 1865, 'that there was no appearance of the insurgents as a belligerent on the ocean, excepting in the shape of British vessels, constructed, equipped, supplied, manned, and armed in British ports.'

Many of the statements made in the voluminous despatches of Mr. Seward and the United States 'Case' could be as easily disposed of as the foregoing, by a simple mention of the facts. The looseness of the allegations, and the fallacy of the conclusions founded on them, are frequently adverted to in the replies of her Majesty's Government, and in the British 'Counter-Case.' Under date of August 30th, 1865, Earl Russell wrote to Mr. Adams at great length in justification of the conduct of her Majesty's Government during the Civil War, and in respect to a 'Claims Commission.' In the above-mentioned letter Earl Russell said to Mr. Adams as follows :—

'In your letter of 23rd October, 1863, you were pleased to say that the Government of the United States is ready to agree to any form of arbitration. Her Majesty's Government have thus been led to consider what question could be put to any Sovereign or State to whom this very great power should be assigned. It appears to her Majesty's Government that there are but two questions by which the claim of compensation could be tested. The one is : Have the British Government acted with due diligence, or, in other words, with good faith and honesty, in the maintenance of the neutrality they proclaimed ? The other is : Have the law officers of the Crown properly understood the Foreign Enlistment Act when they declined, in June, 1862, to advise the detention and seizure of the *Alabama*, and on other

occasions when they were asked to detain other ships building or fitting in British ports? It appears to her Majesty's Government that neither of these questions could be put to a foreign Government with any regard to the dignity and character of the British Crown and the British nation. Her Majesty's Government are the sole guardians of their own honour. They cannot admit that they may have acted with bad faith in maintaining the neutrality they professed. The law officers of the Crown must be held to be better interpreters of a British statute than any foreign Government can be presumed to be. Her Majesty's Government must, therefore, decline either to make reparation and compensation for the captures made by the *Alabama*, or to refer the question to any foreign State. Her Majesty's Government conceive that if they were to act otherwise they would endanger the position of neutrals in all future wars. Her Majesty's Government are, however, ready to consent to the appointment of a Commission to which shall be referred all claims arising during the late Civil War which the two Powers shall agree to refer to the Commissioners.\*

There could scarcely be a more positive declaration of the views and purposes of her Majesty's Government in respect to the '*Alabama* Claims' than is pronounced in the foregoing extract from an official letter of the Minister of Foreign Affairs, written, not with haste, during a heated controversy, but after peace was fully restored between the late belligerents, and when there had been ample time to advise calmly with his colleagues and with the law officers of the Crown, and to determine whether there had been any illegality in the equipment of Confederate cruisers within British jurisdiction, or any failure

\* 'British Case, 'Appendix, vol. iv., 'North America (1), 1866,' p. 31.

to fulfil neutral duties which could make a claim for damages on the part of the United States tenable.

The reader will remember the verbal statements of Ministers and of the Solicitor-General mentioned in a previous chapter, which were to the effect that a builder might legally contract to deliver an unarmed ship of any description to a belligerent as a mercantile transaction; and those statements, taken in conjunction with the declaration contained in the extract from Earl Russell's letter just above quoted, can be interpreted in no other sense than that her Majesty's Government, in August, 1865, declined to admit that there was any violation of British law in the manner of obtaining ships for the Confederate service in England, or that there had been any default in the performance of their neutral duties which could render them liable to a claim for compensation on behalf of the United States.

The correspondence in respect to the claims was continued until November, 1865, when Earl Russell became Prime Minister, and was succeeded at the Foreign Office by the Earl of Clarendon. On the 21st of November, 1865, Mr. Adams informed Lord Clarendon by official letter that the United States adhered to the opinion that the claims which Earl Russell had thought fit to exclude from consideration were just and reasonable, and therefore saw no occasion for further delay in giving a full answer to the proposition for a *Joint Commission* contained in his lordship's letter of August 30th, 1865, which proposition he was instructed to say 'is respectfully declined.'<sup>\*</sup>

On the 2nd of December, 1865, Lord Clarendon wrote a short letter to Mr. Adams, in which he briefly alludes to a long and controversial communication

\* 'British Case,' Appendix, vol. iv., p. 161.

which Mr. Adams had addressed to him on the 18th of November.\* Lord Clarendon wrote as follows:—‘I have the honour to acknowledge the receipt of your letter of the 18th ultimo. . . . There are many statements in your letter which I should be prepared to controvert if it were not that her Majesty’s Government consider that no advantage can result from prolonging the controversy, of which the topics are generally exhausted, but which might possibly, if continued, introduce acrimony into the relations between this country and the United States; two nations who from kindred origin and mutual interest should desire to be knit together by bonds of the closest friendship. . . . While abstaining therefore from any discussion of the passages in your letter to the correctness of which I am unable to subscribe, it is nevertheless my duty in closing this correspondence to observe that no armed vessel departed during the war from a British port to cruise against the commerce of the United States, and to maintain that throughout all the difficulties of the Civil War by which the United States have lately been distracted, but in the termination of which no nation rejoices more cordially than Great Britain, the British Government have steadily and honestly discharged all the duties incumbent on them as a neutral Power, and have never deviated from the obligations imposed upon them by international law.’

During the months of December, 1865, and January, 1866, an active correspondence was kept up between Mr. Adams and the British Foreign Office, upon subjects relating to the Civil War, and in reference to a concurrent revision of the Foreign Enlistment Acts of

\* For Mr. Adams’s letter see ‘British Case,’ Appendix, vol. iv., Parliamentary Paper, No. 1, 1866, p. 154, etc. Lord Clarendon’s letter, p. 162.

the two countries, but the letter from Lord Clarendon, quoted above, appears to have put a stop to the especial discussion of the '*Alabama Claims*' for some time.

In May, 1866, there was a change of Government in Great Britain. The Ministry was defeated in the House of Commons in a division on a measure relating to the extension of the franchise and a redistribution of seats. The Cabinet took the adverse judgment of the House as a vote of 'want of confidence,' and resigned. The late Earl of Derby was requested by her Majesty to form a new Government, and thus the Conservative Party came into power, with the Earl of Derby as Prime Minister, Mr. Disraeli as Chancellor of the Exchequer, and Lord Stanley as Foreign Secretary. The chief offices in the retiring Cabinet had been held by Lord Palmerston, Earl Russell, the Earl of Clarendon, and the Right Honourable W. E. Gladstone. Lord Russell and Lord Clarendon, as the Secretaries of State for Foreign Affairs, appear most prominently in the official correspondence, but Lord Palmerston by speeches in Parliament, and Mr. Gladstone by speeches both in and out of the House, associated their names especially and emphatically with the questions which the Civil War originated, and thus made themselves joint exponents of the policy of the Ministry and of the Liberal Party in respect to the neutral duties of Great Britain and the claims set up by the United States.

The retiring Ministry had held office during the whole period of the Civil War, so that there had been no room for divergence of views or reversal of policy. The same Cabinet which advised her Majesty to recognise the Confederate States as a belligerent Power, continued to direct and control the relations of Great Britain with the two contending States while the contest lasted, and

enunciated the position assumed by the British Government in respect to the claims of the United States after the termination of the war, and after a careful consideration of all the demands of Mr. Seward and the statements and arguments advanced in support of them.

It is important to consider at this point what was the precise position thus occupied by the outgoing Ministry, and which their successors were compelled to step into. It may be briefly described thus:—‘Her Majesty’s Government, being the sole guardians of their own honour, cannot submit their conduct to the judgment of any other Sovereign or State without sacrificing the dignity and character of the British Crown and the British nation. They cannot admit that they have acted with bad faith in maintaining their neutrality, and they must therefore decline to make reparation and compensation for the captures made by the *Alabama*, or even to refer the question to any foreign State. Finally, they see no advantage in prolonging the controversy, but while abstaining from any further discussion, they must observe that no armed vessel departed during the war from a British port to cruise against the commerce of the United States, and they must maintain that the British Government steadily and honestly discharged all the duties incumbent on them as a neutral Power, and have never deviated from the obligations imposed upon them by international law.’\*

In the foregoing brief summary I have employed very nearly the precise words used by her Majesty’s two Secretaries of State for Foreign Affairs in their final communications to the United States Minister in respect to the ‘*Alabama* Claims,’ and it certainly must appear to the

\* See letters of Lord Russell and Lord Clarendon to Mr. Adams quoted above.

ordinary reader that the retiring Ministers were not only at ease in their consciences, but that their minds also were settled in the conviction that they had done no wrong to the United States, and would pay no claims founded on the assumption that they had been guilty of any breach of neutrality or default in observing the obligations of international law.

Mr. Seward appears to have given her Majesty's new advisers some months of rest, but Lord Russell's refusal to admit liability for the depredations of the Confederate cruisers, and Lord Clarendon's wish that the controversy on the subject should end, was not accepted as a final and irreversible decision by the Government at Washington. On the 27th of August, 1866, Mr. Seward reopened the subject in a long despatch to Mr. Adams enclosing a 'summary of claims of citizens of the United States against Great Britain,' all of which were founded upon the alleged 'depredations committed by the *Alabama*' and her consorts upon American commerce.\* The despatch and the formidable list of claims were transmitted to Lord Stanley in a note dated September 17th, 1866.

Mr. Seward knew perfectly well the origin of the *Sumter*, and he knew that the former British Minister with whom he had corresponded on the subject of the '*Alabama* Claims' had asserted, and had proved beyond the power of controversy, that none of the ships named by him had been either armed or manned in England, and yet, in a despatch purporting to be written in a friendly spirit, he reopens the discussion as follows:— 'You' (that is, Mr. Adams) 'will herewith receive a summary of claims of citizens of the United States against Great Britain for damages which were suffered

\* See 'Appendix to British Case,' vol. iv. (No. 1), 1867, p. 1.

by them during the period of our late Civil War, and some months thereafter, by means of depredations upon our commercial marine, committed upon the high seas by the *Sumter*, the *Alabama*, the *Florida*, the *Shenandoah*, and other ships-of-war which were built, manned, armed, equipped, and fitted out in British ports, and despatched therefrom by or through the agency of British subjects, and which were harboured, sheltered, provided, and furnished as occasion required during their devastating career, in ports of the realm, or in ports of the British Colonies in nearly all parts of the globe.'

The foregoing statement, so far as relates to the *Sumter*, was wholly and notoriously incorrect, and the manner of stating the case, even with reference to the other vessels, was so grossly exaggerated and overdrawn as to appear more like passionate and reckless assertion than a dignified, well-considered synopsis of facts. Mr. Seward then dwells upon the considerations which have inclined the United States 'to suspend for a time the pressure of the claims upon the attention of Great Britain,' reviews at some length the points discussed in previous correspondence, and which had all been beaten threadbare, directs Mr. Adams to represent the most important features, which he thinks 'may not hitherto have sufficiently engaged the attention of the British Government,' and finally tells him that the harmony heretofore existing between the two countries 'has been, as we (the United States) think, unnecessarily broken through the fault of Great Britain,' and can probably never be restored unless the serious complaints then again brought to the notice of the British Government shall be amicably and satisfactorily adjusted.

There is one paragraph in Mr. Seward's letter of August 27th, 1866, which strikingly illustrates the



tendency to exaggerate facts which characterized his official correspondence, and demonstrates the persistency with which he repeated broad and sweeping assertions which could not be sustained by specific particulars. He says:—‘ Upon a candid review of the history of the rebellion, it is believed that Great Britain will not deny that a very large number of the Queen’s subjects combined themselves and operated as active allies with the insurgents, aided them with supplies, arms, munitions, men, and many ships of war.’

Did Mr. Seward mean that her Majesty’s subjects entered into a philanthropic combination, and showered the favours enumerated above upon the Southern people out of love for them, or with any political purpose to assist in breaking up the American Union, or did he merely mean that British tradesmen sold to the Confederate agents whatever supplies they wanted, and could pay for, and honestly delivered the goods at the times and places agreed upon? If he intended to convey the former meaning, people of common-sense will think that he was practising a hyperbolic flourish of phrases which tended rather to dilute than to strengthen the semblance of facts contained in them. But if his purpose was only to affirm the latter proposition, then practical men will say that no law, statute or moral, municipal or international, requires a tradesman to close his shop against one of two belligerents lest he should be considered an ally of the other, and that such legitimate trading by any people could not be alleged as a matter of complaint against the Government to whom they owed allegiance.

Mr. Adams forwarded a copy of Mr. Seward’s despatch with a list of the claims to Lord Stanley on the 17th of September, 1866. Lord Stanley informed him verbally that it would be impossible for him to reply without

first consulting his colleagues. Some delay was reasonable; in fact, it was unavoidable under the circumstances, because the members of the new Cabinet could not have known the details of the claims, the grounds upon which they were based, or the precise position which had been assumed by their predecessors in office, and it was therefore necessary to examine the previous official correspondence before deciding upon the terms of their reply.

On the 30th of November, 1866, Lord Stanley forwarded a long despatch to Sir F. Bruce, her Majesty's Minister at Washington, in which he reviewed *seriatim* the points contained in Mr. Seward's letter above mentioned. It would be useless to repeat or even to summarize the arguments and counter statements of the British Foreign Secretary. He certainly did not admit those broad assertions which Mr. Seward ventured to believe that Great Britain would not deny. In fact, he said that 'Her Majesty's Government feel bound to notice expressions and statements\* in Mr. Seward's despatch which they consider unsupported by evidence, and which, in justice to their predecessors in power and to the honour of the country, they cannot allow to pass unexamined.'†

The only parts of Lord Stanley's answer which are of any practical importance now, are the few sentences in which he states the decision to which her Majesty's Government had come, after a critical examination of Mr. Seward's allegations and arguments, and the replies which had already been made to them by the previous

\* Expressions and statements in reference to arming, equipping, and manning ships, etc.

† See Lord Stanley to Sir F. Bruce, 'British Appendix,' vol. iv., 'North America (No. 1), 1867,' p. 26, etc.

Ministry. He said:—‘Having dealt so far with Mr. Seward’s argument, and pointed out the wide discrepancies that exist between his views of the question and those entertained by her Majesty’s Government, I now proceed to consider the practical proposition with which he concludes’ (namely, that the British Government should acknowledge the claims, and agree to a plan for their amicable adjustment). ‘It is impossible for her Majesty’s present advisers to abandon the ground which has been taken by former Governments, so far as to admit the liability for the claims then and now put forward. They do not think that such liability has been established according to international law or usage; and though sincerely and earnestly desiring a good understanding with the United States, they cannot consent to purchase even the advantage of that good understanding by concessions which would at once involve a censure upon their predecessors in power, and be an acknowledgment, in their view uncalled-for and unfounded, of wrongdoing on the part of the British Executive and Legislature.’

The ground taken by the former Government was that they declined to make reparation and compensation for the captures, etc., or to refer the question to a foreign State; although they would agree to the appointment of a Commission to which all claims arising out of the Civil War should be referred which the two Powers would agree to refer; but it will be remembered that the United States had declined the proposition for a Commission under the limitations required by her Majesty’s Government, and that Lord Clarendon had closed the correspondence on the subject.\* The declaration of Lord Stanley in the above quotation from his despatch to Sir

\* See Lord Russell’s letter of August 20th, 1865, previously quoted.

F. Bruce, if taken by itself, could only be received as a final decision to maintain the precise ground taken by Earl Russell, and if that had been his purpose, the 'Alabama Claims' would have ceased to be an international question, unless the United States had thought it worth while to make them a *casus belli*.

But her Majesty's Government were manifestly unwilling to leave the questions at issue in a condition that would tend to keep alive feelings of irritation between the two countries ; a sense of injury unredressed on one side, and of claims unjustly pressed, and therefore necessarily refused, on the other. In concluding his despatch, therefore, Lord Stanley said in effect that her Majesty's Government were fully alive to the inconvenience which would arise from the continued existence of unsettled claims between two powerful and friendly nations, and that they would be willing to adopt the principle of arbitration, provided a fitting arbitrator could be found, and the two Governments could agree upon the precise questions to which arbitration should apply ; and he instructed Sir F. Bruce to ascertain from Mr. Seward whether the United States would accept the principle of arbitration as proposed above, and if so, whether he would state the precise points which, in his opinion, should be so dealt with. Finally, Lord Stanley said that any such proposal would require very deliberate consideration on the part of her Majesty's Government, but that it would be entertained in a friendly spirit, and with a sincere desire that its adoption might serve to renew the good understanding formerly existing, and, as he hoped, hereafter to exist, between Great Britain and the United States.\*

\* See 'British Appendix,' vol. iv., 'North America (No. 1), 1867,' pp. 30, 31.

The correspondence between the two Governments continued throughout the year 1867 and up to October, 1868, without approaching to anything like a definite agreement. The discussions gradually extended so as to include other claims besides those relating to the Confederate cruisers, and to embrace questions of naturalization, boundary, etc. At the above-mentioned date Mr. Reverdy Johnson had relieved Mr. Adams as the United States Minister at London, and he appears to have had general instructions and specific powers with reference to the mode of settling all claims and other questions which were at issue; and the negotiations between him and Lord Stanley now began to take such a practical form, that protocols were framed from time to time to set out and record the points agreed to. I shall confine my notices of the protocols and the subsequent Convention exclusively to the Articles which have reference to the '*Alabama Claims*.'

On the 10th of November, 1868, a 'Convention between Great Britain and the United States of America, for the settlement of all Outstanding Claims,' was signed in London by Lord Stanley and Mr. Reverdy Johnson.\* Under the terms of the above Convention the contracting parties agreed generally to refer all claims on the part of their respective subjects, which had been or might be presented from the 26th of July, 1853, to a date specified in Article III., to four Commissioners, two to be named by her Britannic Majesty, and two by the President of the United States, the Commissioners to meet in London, and to appoint an arbitrator or umpire before proceeding to any other business, etc. Article VI. of the Convention referred to the '*Alabama Claims*'

\* See 'British Appendix,' vol. iv., 'North America (No. 1), 1869,' pp. 11—14.

and the conditions upon which they were to be considered by the Commissioners were thus specified:— ‘With regard to the before-mentioned *Alabama* class of claims, neither Government shall make out a case in support of its position, nor shall any person be heard for or against any such claim. The official correspondence which has already taken place between the two Governments respecting the questions at issue shall alone be laid before the Commissioners; and (in the event of their not coming to a unanimous decision as provided in Article IV.), then before the arbitrator, without argument, written or verbal, and without the production of any further evidence. The Commissioners unanimously, or the arbitrator, shall, however, be at liberty to call for argument or further evidence, if they or he shall deem it necessary.’

On the 23rd of November the two Plenipotentiaries who signed the above Convention agreed to substitute Washington for London as the place for the meeting and sitting of the Commission.\* The Convention in its original form reached Mr. Seward on the 24th of November, 1868,† and under date of November 27th he wrote Mr. Reverdy Johnson, pointing out the President’s objections to it, and specifying the modifications which he desired should be made in a number of the Articles, in order to recommend the Convention to acceptance by the Senate and approval by the Congress of the United States.‡ Mr. Seward thought it not improbable that her Majesty’s Government would be disappointed in finding that objections were made to the ratification of an agreement duly signed by the Plenipotentiaries of the two countries, and that they might possibly be reluctant

\* See ‘British Appendix,’ vol. iv., No. 1 (1869), p. 15.

† Mr. Thornton to Lord Stanley, *ibid.*, p. 22.   ‡ *Ibid.* p. 25—29.

to continue the negotiations. To meet this difficulty he directed Mr. Johnson to inform Lord Stanley that the communications between the United States Government and their Plenipotentiary had been conducted by a large use of the 'cable,' and that there had been an unavoidable misconstruction of the instructions, and a misapprehension of the explanations, which they greatly regretted.

The British Minister at Washington informed Lord Stanley by cable telegrams, on the 27th and 30th of November, that Mr. Seward and the Cabinet at Washington disapproved of the Convention, and had insisted upon certain very important modifications. Lord Stanley replied on the 8th of December by letter, expressing his surprise, and stating that it had never been intimated to him that Mr. Johnson was not acting under sufficient instructions from his Government; indeed, he had been informed by him, subsequently to the signing of the Convention, that Mr. Seward had stated in a telegraphic despatch that if the place of meeting was Washington, and not London, 'all will be right.' Lord Stanley closed his despatch with the statement that until the receipt of the telegrams above-mentioned, both he and Mr. Johnson were under the impression that the Convention which had been signed was in accordance with the instructions of Mr. Seward, as interpreted by Mr. Johnson himself, and would therefore meet the approval of the United States Government.\*

Before the foregoing despatch of Mr. Seward (November 27th, 1868) reached London there had been another change of Ministry. The General Election which took place in the autumn of 1868 brought the Liberal Party again into power, with Mr. W. E. Gladstone as Prime

\* See Lord Stanley's letter to Mr. Thornton, 'British Case,' Appendix, vol. iv., 'North America (No. 1), 1869,' pp. 16, 19.

Minister, and the Earl of Clarendon as Secretary of State for Foreign Affairs.\* Mr. Johnson had therefore to continue his negotiations with the Ministers who were in office during the Civil War, and who were her Majesty's advisers when the questions at issue in respect to the *Alabama* and her consorts arose.

It is impossible to tell with any degree of certainty what would have been the course of her Majesty's Government at this juncture if the Conservative Party had remained in power, and in a mere synopsis of the actual occurrences which led up to the final Treaty of Washington and the Geneva Arbitration, surmises and hypothetical conjectures would be wholly out of place. Mr. Reverdy Johnson communicated Mr. Seward's despatch to Lord Clarendon on the 22nd of December, 1868, and it appears that her Majesty's Government were satisfied with the reasons given for declining to confirm the Stanley-Johnson Convention ; at any rate, they made no formal protest. On the 24th of December Lord Clarendon wrote to the British Minister at Washington stating that her Majesty's Government were prepared to meet the wishes of the United States in the manner which he would then explain. His lordship then discussed the principles involved in the proposed modifications, demonstrated wherein he thought they were insufficient or otherwise defective, and finally he enclosed 'a fresh draft of Convention,' which he directed Mr. Thornton to submit to Mr. Seward ; and if approved by him, 'Mr. Johnson' (he suggested) 'might be authorized by telegraph to sign it, in which case it might be returned to Washington so as to admit of its being

\* Mr. Gladstone had been Chancellor of the Exchequer in the former Liberal Ministry, and Lord Clarendon had succeeded Earl Russell at the Foreign Office in the same Ministry.



laid before the Senate by the middle of January, and pronounced upon by that body before the rising of the Congress on the 4th of March.\* Mr. Seward suggested some alterations in the draft forwarded by Lord Clarendon, which were accepted; and the amended Convention was signed by the two Plenipotentiaries in London on the 14th of January, 1869.†

By the conditions of the Stanley-Johnson Convention the *Alabama* class of claims were to be adjudicated upon the official correspondence which had already taken place exclusively, without argument, written or verbal. Under the new or Clarendon-Johnson Convention, the Commissioners were 'bound to receive and peruse all other written documents or statements which may be presented to them by or on behalf of the respective Governments in support of or in answer to any claim, and to hear, if required, one person on each side on behalf of each Government as counsel or agent for such Government, on each and every separate claim.'‡

It very soon became manifest that the new Convention would not fare better than the first, although Mr. Seward's objections to the former had been received in a spirit of concession, and his proposed alteration had been accepted without any apparent reluctance.§ On the 1st of February, 1869, Mr. Thornton, her Majesty's Minister at Washington, reported to Lord Clarendon that Mr. Charles Sumner had presented a petition to the Senate against the ratification of the Convention, and on the 22nd of the same month he further reported that

\* 'British Case,' Appendix, No. 1, 1869, pp. 30—32.

† See Lord Clarendon's letter, and copy of Convention, *ibid*, pp. 35—38.

‡ *Ibid*., Article II.

§ Lord Clarendon's letter above, January 16th, 1869.

the Convention had been sent by the President to the Senate for its approval, but that the Senate Committee on Foreign Relations, of which Mr. Charles Sumner was chairman, had reported adversely to its ratification. Mr. Thornton inclosed in the last-mentioned despatch to Lord Clarendon a 'copy of a resolution adopted by the Legislature of Massachusetts.\*' The resolution was as follows:—'Resolved—That the Massachusetts Legislature, in general court assembled, firmly believe that any treaty between England and America touching the premises aforesaid, which may be submitted now or at any future time for ratification, which does not, by its terms, concede the liability of the English Government for acts of her *protégées*, the *Alabama* and her consorts, will be spurned with contempt by the American people, and that a ratification thereof would be dishonourable to our nation and unjust to our citizens.'

On the 19th of April, 1869, Mr. Thornton informed Lord Clarendon by letter that the Claims Convention signed on January 14th (the Clarendon-Johnson Convention) 'was submitted to the Senate in Executive Session on the 13th instant, with the adverse report which had previously been decided upon by the Committee of Foreign Relations,' and that it had been rejected on the same day by the adverse vote of fifty-four senators against only one in its favour.†

Mr. Thornton further reported that Mr. Charles Sumner availed himself of the occasion to make a long speech, which the Senate subsequently ordered to be made public, and it had been inserted in all the newspapers of the country. Mr. Thornton, in giving a synopsis of Mr. Sumner's speech, said that the sum of

\* 'See 'British Appendix,' vol. iv., No. 1, 1869, pp. 43, 44.

† Ibid., pp. 51—53.

his assertions was 'that England had insulted the United States by the premature, unfriendly, and unnecessary proclamation of the Queen, enjoining neutrality on her Majesty's subjects; that she owes them an apology for this step; that she is responsible for the property destroyed by the *Alabama* and other Confederate cruisers, and even for the remote damage to American shipping interests, including the increase of insurance; that the Confederates were so much assisted by being able to get arms and ammunition from England, and so much encouraged by the Queen's Proclamation, that the war lasted much longer than it would otherwise have done, and that we (England) ought therefore to pay imaginary additional expenses imposed upon the United States by the prolongation of the war.'

Mr. Thornton mentions that Mr. Sumner was followed by a few other Senators, all speaking in the same sense, and that Mr. Chandler, Senator from Michigan, seemed to have been most violent against England, indicating his desire that Great Britain should possess no territory upon the American Continent, and added that the speech of Mr. Sumner was vehemently applauded by the Republican portion of the press, most of them openly proclaiming that the only satisfaction the United States Government could accept would be the cession of the British possessions on the Continent as well as the Bahama Islands.

Those who are familiar with the diplomatic correspondence which was carried on between her Majesty's Government and the United States during the Civil War, will have perceived that the American State Papers were all pervaded by the same spirit as that which dictated the speech of Mr. Sumner and the resolution of the Massachusetts Legislature. The

Government of the United States, the chief Republican leaders, and the most active managers of the great political 'machine,' through which the national feelings and the national will were aroused and directed, had laid all their plans, and had based all their hopes, upon the supposition that the so-called 'rebellion' would soon collapse, or that it would be soon suppressed. They were annoyed and offended because Europe ventured to pronounce that condition of affairs to be a state of war which they affirmed to be only an insurrection. Great Britain was selected as the chief object of their displeasure, and there was a manifest determination from the beginning, not only to exact pecuniary compensation for alleged injuries, but to inflict upon her the indignity of an apology for venturing to recognise the Confederate States as belligerents, and putting them on the same footing with the United States in respect to the obtaining of supplies. That purpose was not specifically proclaimed in any State Paper before the rejection of the Clarendon-Johnson Convention; but reading the correspondence now, and comparing its tone with the progress of the subsequent negotiations, the temper and the aim boldly avowed in Mr. Sumner's speech and in the resolution of the Massachusetts Legislature are easily discerned through the light film of diplomatic reserve which partially obscured them.

It is an admirable exhibition of principle and of moral courage to offer a spontaneous, cordial, and complete *amende* for an injury inflicted upon another, whether through ignorance or inadvertence, and the man who does so will increase his influence and the respect in which he is held, by as much as the precepts of religion are more excellent than the maxims of the world. The same law applies in this respect to the conduct of a State

as to an individual. But when the responsible Government of a country has deliberately adopted a certain policy towards another country, has insisted on all occasions of remonstrance that their conduct was right in principle as well as in law, and after four or five years of complaint and petition for redress, has emphatically declined to make reparation and compensation, or to refer their conduct to the arbitration of a foreign State,\* it is offering them an indignity to demand, under open menace or implied threat, that they should confess themselves in error and express their sorrow. To yield under such circumstances manifests that there has been either an unstatesmanlike rashness, precipitancy, and stubbornness in the original acts, or else a lack of nerve to maintain an attitude believed to be right.

Lord Derby's Cabinet had determined to maintain the ground taken by their predecessors in power, but they had expressed an earnest desire to meet the United States in a conciliatory spirit if the two countries could agree upon the principle of arbitration and the points to which arbitration should apply. They did not, however, remain long enough in office to impress their views and their policy upon the negotiations, and all that can be said is that the concessions they were willing to make did not go far enough to satisfy the President of the United States. It seems manifest that the Government of Lord Derby would have stood upon stronger ground, and would have been able to discuss the questions at issue more independently than Mr. Gladstone and his colleagues, who succeeded them. Neither the Conservative Party nor its leaders were responsible for the policy of Great Britain during the Civil War, nor were they implicated in the acts which had given offence to the

\* See Earl Russell's letter of August 30th, 1865, quoted above.

United States. The warmth which had characterized Mr. Seward's official correspondence during the continuance of the war would have had no *raison d'être* when he came to negotiate with a new Cabinet, none of whose members had ever given cause of offence by disregarding his protests and complaints, or had wounded his pride by an occasional retort, extorted by the pungency of his own sometimes unguarded phrases.

There can be no doubt that the new Liberal Government was not in a favourable position to deal vigorously or independently with the claims, which the United States pressed with renewed earnestness and force as soon as it was discovered that the original offenders were again in power. It must be admitted that the course pursued by her Majesty's Government during the Civil War was neither consistent nor firm. They enunciated their policy towards the two belligerents with clearness and force ; they repeatedly affirmed that the policy was right in principle and in law ; they over and over again refused to reverse or to modify its general principles, and yet they did more than once yield to pressure, and on one notable occasion to an ill-concealed threat, and interfered with the alleged operations of one belligerent for the benefit and protection of the other.

I am very desirous not to make a general statement which shall convey a meaning not justified by the facts. In a previous chapter I have given actual quotations from speeches of several leading members of her Majesty's Government and from despatches of the Secretary of State for Foreign Affairs, on the subject of the neutral duties of Great Britain, in direct reference to the American Civil War. I feel sure that I am not overstating the views of her Majesty's advisers at that time in repeating that they were as follows :—‘ A neutral may supply

either of two belligerents not only with arms and cannon, but with ships suitable to operate in war; and her Majesty's Government cannot, therefore, interfere with the dealings between British subjects and the "so-styled" Confederate States, whether the object of those dealings be money or contraband goods, or even ships adapted for war. The seizure of the *Alabama* would have been altogether unwarrantable by law. She might have been legitimately built by a Foreign Government; and though a ship-of-war, she might have formed a legitimate article of merchandise even if meant for the Confederate States. The Foreign Enlistment Act was not meant to prohibit commercial dealings in ships-of-war with belligerent countries, but to prevent what the law regards as the fitting out, arming, or equipment of a ship-of-war within the British dominions, with the intent that she should be employed in the service of a foreign belligerent. A ship or a musket may be sold to one belligerent or the other, and only ceases to be neutral when the ship is owned, manned, and employed in war, and the musket is held by a soldier and used for the purpose of killing his enemy. There must, in fact, be a proved violation of the Foreign Enlistment Act to justify her Majesty's Government in preventing a British subject from selling a ship of any description whatever to a foreign belligerent.'

In the foregoing brief synopsis I have kept closely to the spirit, indeed, I have used in the main the very words employed in the original speeches and despatches, previously quoted more at length, and it will be remembered that the Lord Chief Baron of the Exchequer, in a test case, confirmed the declarations of her Majesty's Ministers, and settled the definition of the words 'fit

out' and 'equip,' as they are, or were, used in the Foreign Enlistment Act.

Notwithstanding the clear and very definite position thus assumed by her Majesty's Government, they gave way to the pressure applied to them by the American Minister and seized the *Alexandra*, a wholly unarmed ship, and in a very incomplete condition, upon precisely the same kind of evidence which they thought insufficient in the case of the *Alabama*, and which proved to be false in every material point, when put to the test at the trial which followed. A number of other vessels unarmed, unequipped, most of them manifestly designed for trading purposes alone, and all of them clearly within the limits of legal merchandise as defined by her Majesty's Government, were interfered with or detained for inquiry upon the complaint, or to satisfy the suspicions, of the United States Consuls. But the most notable departure from the principles of neutrality enumerated in the declarations of Ministers was the seizure of the so-called 'Liverpool rams.'

On the 20th of August, 1863, the depositions furnished by the American Consul at Liverpool in respect to the above vessels were submitted to the law officers of the Crown. After some preliminary comments they advised as follows:—'Having regard to the entire insufficiency of the depositions forwarded to her Majesty's Government by Mr. Adams to prove any infraction of the law, we cannot advise her Majesty's Government to interfere in any way with these vessels. There is, in fact, no evidence capable of being presented to a court of justice of any intention on the part of any persons in this country, that either of these vessels should be employed in the belligerent service of the Confederate Government against the United States, even if it would have been



proper (had such evidence been forthcoming) to act upon the assumption that the law recently laid down by the Lord Chief Baron in the case of the *Alexandra* is incorrect, or that his lordship's ruling is inapplicable to vessels of this description, a point on which it may be better to reserve the expression of our opinion till such a case arises.\*

In consequence of the above opinion of the law officers, Earl Russell wrote Mr. Adams on September 1st, 1863, that her Majesty's Government could not interfere with the vessels, and to justify the refusal he said :—‘ A court of justice would never condemn in the absence of evidence, and the Government would be justly blamed for acting in defiance of the principles of law and justice, long recognised and established in this country.’† Mr. Adams replied to the foregoing on the 5th of September, and strongly remonstrated. He said :—‘ The fatal objection of impotency which paralyzes her Majesty's Government seems to present an insuperable barrier against all further reasoning. Under these circumstances, I prefer to desist from communicating to your lordship even such portions of my existing instructions as are suited to the case, lest I should contribute to aggravate difficulties already far too serious. I therefore content myself with informing your lordship that I transmit by the present steamer a copy of your note for the consideration of my Government,’ etc.‡

The above letter of Mr. Adams, with its covert threat, proved sufficient to counteract the opinion of the law officers, and overcame the objections of the Government to act without evidence. On the 8th of September Earl Russell informed Mr. Adams, in a hasty note of two and

\* See ‘ British Appendix,’ vol. ii., pp. 336, 337.

† ‘ British Appendix,’ vol. ii., p. 344.      ‡ Ibid., pp. 352, 353.

a half lines,\* that orders had been issued which would prevent the departure of the vessels, and he confirmed the statement in a long despatch under date of September 11th. In the last-mentioned despatch, which has been quoted and commented upon in a previous chapter, Earl Russell affirms most decidedly that a ship may be legally sold to one of two belligerents, 'and only ceases to be neutral when she is owned, manned, and employed in war,' and yet he closes his communication in the following words:—'I have to add that instructions have been issued for preventing the departure of the ironclad vessels in question from Liverpool until satisfactory evidence can be given as to their destination, or, at all events, until the inquiries which are now being prosecuted with a view to obtain such evidence shall have been brought to a conclusion.'†

The simplest possible summary is all that is necessary to illustrate the vacillating policy of her Majesty's Government. They affirmed that ships of any description were legitimate articles of trade between neutrals and belligerents, and that they would not interfere with such trade unless a clear violation of the Foreign Enlistment Act could be *proved*. They stated that there was *no such proof in the case of the ironclad vessels*, and yet when pressed they seized the ships—what for? Not to bring their builders or alleged owners to trial, but *in order to gain time for the purpose of making inquiries, and thus discovering evidence against them*.

When Mr. Seward perceived that there was a limit to the fortitude of her Majesty's Government, and that it was possible to obtain from them in practice more than they would admit in principle, the diplomatic difficulties were greatly moderated. The representatives

\* 'British Appendix,' vol. ii., p. 355. † Ibid., pp. 358—360.

of the United States had only to urge with vehemence in order to obtain, and each successive concession thus yielded under pressure made the following attack more easy, and the succeeding victory more complete.

But if her Majesty's Government disparaged their prestige and weakened their position by preaching one doctrine and practising another, they still further contributed to strengthen the claims and pretensions of the United States by extraordinarily indiscreet and seemingly thoughtless admissions. In a despatch to Lord Lyons, dated March 27th, 1863, Earl Russell reported to her Majesty's Minister at Washington the purport of an official conversation between himself and Mr. Adams, in which he says:—'I admitted that the cases of the *Alabama* and *Oreto* were a scandal.'\*

Now, the cases of the *Alabama* and *Oreto* could only have been scandalous from one of two points of view: either the Foreign Enlistment Act did not give her Majesty's Government sufficient power to fulfil their neutral duties, in which case the United States had a clear right to ask for its amendment, or, the law being strong enough, her Majesty's Government had administered it so inefficiently as to admit of its open violation, in which latter case the United States could justly complain that no effort had been made to enforce its provisions or to punish the offenders. Earl Russell did not mean to admit the former hypothesis, because in the very despatch above quoted he wrote thus:—'I said (to Mr. Adams) that the Cabinet were of opinion that the law was sufficient;' and he could hardly have meant to admit the latter, because down to the very close of the war her Majesty's Government invariably refused to

\* See 'Document' presented to Parliament, 'The *Alabama*, North America (No. 1), 1864,' pp. 2, 3.

prosecute the Confederate agents or the builders of the ships, on the plea that there was no proof that the law had been violated by any of them.

More than one member of the Government permitted still another unguarded expression to fall from his lips or from his pen. It was that the *Alabama* had 'escaped,' or, to be more precise in the expression, they spoke frequently of the 'escape of the *Alabama*.' Now, I have always understood that to fly from the consequences of breaking a criminal statute does not purge the offence, and that the offender may be arrested and punished whenever he can be laid hold of. The *Alabama* did not go out of the port of Liverpool of her own volition. If her departure was illegal, it was effected by persons who were then and afterwards within the reach of the law, and yet no one has ever been called to account in respect to her movements. We can, therefore, only class the phrase used by Earl Russell, and the admissions of other Ministers, among those unfortunate expressions which slip from the tongue in an unguarded moment, which can never be recalled or explained, but which rise up in future judgment against the speaker, often to his embarrassment, sometimes to his shame, and to the serious detriment of the country he represents. The admissions were carefully noted by Mr. Adams, and were effectively used afterwards in pressing the '*Alabama* Claims.' Even the Solicitor-General, when speaking as a politician in defence of the Government, and not with the caution of a lawyer, said on one occasion that 'we (the Government) strained the law' in the proceedings against some of the ships, which served as an encouragement to Mr. Adams in urging a further and continuous process of straining. Other unhappy slips of the tongue and of the pen might be culled from the speeches and

despatches of her Majesty's Ministers during the Civil War, but the foregoing are sufficient to demonstrate the advantage which accrued to the United States from such unguarded expressions.

But the British Ministers of that day still further compromised the country, and supplied Mr. Seward with plausible data for the allegations of unfriendly neutrality to the United States which are so prominently set forth in the claims and in the 'Case' laid before the Tribunal of Arbitration, by speeches both in and out of Parliament, which certainly did greatly offend the North and did arouse a hope of 'recognition' at the South. The stab at the North about fighting for 'empire' and not upon the question of slavery in Earl Russell's speech at Newcastle has already been quoted in another connection. In the same speech his lordship said:—

'But I cannot help asking myself frequently, as I trace the progress of the contest, to what good end can it tend? Supposing the contest to end in the reunion of the different States; supposing that the South should agree to enter again the Federal Union with all the rights guaranteed to her by the Constitution, should we not then have debated over again the fatal question of slavery? . . . But, on the other hand, supposing that the Federal Government completely conquer and subdue the Southern States—supposing that be the result after a long military conflict and some years of Civil War—would not the national prosperity of that country be destroyed? . . . If such are the unhappy results which alone can be looked forward to from the reunion of these different parts of the North American States, is it not then our duty . . . is it not the duty of men who wish to preserve in perpetuity the sacred inheritance of liberty,

to endeavour to see whether this sanguinary conflict cannot be put an end to?'

In a speech delivered in the House of Lords, February 5th, 1863, Earl Russell said:—'There is one thing, however, which I think may be the result of the struggle, and which, to my mind, would be a great calamity—that is, the subjugation of the South by the North.' After some comments he added:—'But there may be, I say, one end of the war that would prove a calamity to the United States and to the world, and especially calamitous to the negro race in those countries, and that would be the subjugation of the South by the North.'

Mr. W. E. Gladstone, the Chancellor of the Exchequer, said in a public speech at Newcastle, October 7th, 1862:—'We may have our own opinions about slavery; we may be for or against the South; but there is no doubt that Jefferson Davis and other leaders of the South have made an army. They are making, it appears, a navy, and they have made what is more than either—they have made a nation. (Loud cheers.) . . . We may anticipate with certainty the success of the Southern States so far as regards their separation from the North. (Hear, hear.) I cannot but believe that that event is as certain as any event yet future and contingent can be.'

Lest it may be thought that the foregoing was one of those bursts of exuberant eloquence which escape from an orator of ardent temperament when free from the restraints and responsibilities of office, here is an extract from a long speech by the same distinguished gentleman, in the House of Commons, delivered June 30th, 1863, while he was still a member of the Government:—'Why,

\* Quoted in 'United States Case,' pp. 23, 24.

† Ibid., p. 24.

‡ 'United States Case,' p. 24.

sir, we must desire the cessation of this war. No man is justified in wishing for the continuance of a war unless that war has a just, an adequate, and an attainable object, for no object is adequate, no object is just, unless it is also attainable. We do not believe that the restoration of the American Union by force is attainable. I believe that the public opinion of this country is unanimous upon that subject. (No.) Well, almost unanimous. I may be right or I may be wrong—I do not pretend to interpret exactly the public opinion of the country. I express in regard to it only my private sentiments. But I will go one step further, and say I believe the public opinion of this country bears very strongly on another matter upon which we have heard much, namely, whether the emancipation of the negro race is an object that can be legitimately pursued by means of coercion and bloodshed. I do not believe that a more fatal error was ever committed than when men—of high intelligence I grant, and of the sincerity of whose philanthropy I, for one, shall not venture to whisper the smallest doubt—came to the conclusion that the emancipation of the negro race was to be sought, although they could only travel to it by a sea of blood. I do not think there is any real or serious ground for doubt as to the issue of this contest.’\*

The foregoing extracts are not now selected by me from the speeches of Mr. Gladstone with the purpose of showing the bias or the opinions of a member of her Majesty’s Government in reference to the American Civil War; they are copied *verbatim* from the ‘Case’ presented to the Tribunal of Arbitration on behalf of the United States, and they were quoted in that document with the avowed intent of demonstrating to the arbi-

\* Quoted in ‘United States Case,’ p. 25.

trators that the Government of Great Britain did not think the United States would succeed, nor did they wish them to succeed, and the inference that the counsel for the United States wished to establish was that, in consequence of those unfriendly convictions and wishes, the Confederates were encouraged to obtain the supplies in England which enabled them to prolong the war.

It is proper to mention that some years after the war Mr. Gladstone made an explanation of the sentiments contained in his various speeches, and he categorically denied that his sympathies were with the South, stating that in point of fact his leanings were towards the North. Of course, those explanations must be taken as decisive in regard to the private feelings of the right honourable gentleman, but in an historical narrative the narrator must state the meaning that was commonly attached to the speeches of responsible statesmen at the time they were delivered, and he must describe the effect then created without reference to the explanations, which, coming long after the events, have no practical importance. If Mr. Gladstone, speaking as a Minister of the Crown in 1862 and in 1863, thought it advisable to sum up in eloquent language the achievements of the Southern leaders, and to express the belief that their final success was an event as certain as any occurrence yet future and contingent could be—if he could say officially from his place in the House of Commons that the restoration of the American Union by force was not attainable, and therefore the war against the South was without a just or adequate object; and, moreover, that it was a fatal error to attempt the emancipation of the negro race by travelling through ‘a sea of blood’—it matters very little at this late day whether he was giving utterance to an irrepressible feeling of sympathy for the South, or was only



expressing an abstract opinion upon the result of the war and the inadequacy of the object which impelled the North to wage it.

The compilers of the 'United States Case,' in the printed argument laid before the Tribunal of Arbitration at Geneva, make the following comment upon the several speeches quoted above:—'It is scarcely too much to say that his' (Mr. Gladstone's) 'language, as well as much of the language of other members of her Majesty's Government herein quoted, might well have been taken as offensive;\*' and they allude elsewhere to the speeches of Ministers as manifesting a partiality to the South which they allege caused her Majesty's Government to relax the restrictions which should have been imposed upon the Confederate agents. In support of the foregoing allegation the following very pointed statement is made:—'The United States summon no less illustrious a person than the present Prime Minister of England' (the Right Hon. W. E. Gladstone) 'to prove not only that the insurgents were engaged in the year 1862 in making a navy, but that the fact was known to the gentlemen who then constituted her Majesty's Government.'†

The foregoing comments are sufficient to settle the interpretation that was put upon Mr. Gladstone's speeches by the people of the North. There can be no doubt that at the South they were received as evidence that some of her Majesty's Ministers at least sympathized with the Confederate cause, and they did arouse hopes of some sort of intervention which would contribute to its success. Every Southerner believed with Mr. Gladstone that the war of coercion was without a just or adequate

\* See 'United States Case,' House of Commons Blue Book, 'North America (No. 2), 1872,' p. 24.

† 'United States Case,' p. 58.

object, although all of them did not follow him to the conclusion that the object was unattainable. He carried the entire South with him when he eloquently affirmed his belief that 'a more fatal error was never committed than that of seeking the emancipation of the negro race by coercion and bloodshed,' even though the hot sun of the Carolinas or of Louisiana did not inspire any representative Southerner to describe the way by which the North was seeking to accomplish it in the glowing metaphor of 'a sea of blood.' As, therefore, both parties in the late Civil War put the same interpretation upon the speeches at the time they were delivered, and one of them at least retained the impression up to the date of the Geneva Arbitration, it does not seem presumptuous to affirm that the language fairly implied the meaning attached to it.

It is, therefore, embarrassing to be told, years after the event, that both sides were mistaken, and that the speaker meant quite a different thing. Such a declaration upsets all definite rules of interpretation, and drives one to the conclusion that when oratory leaves the strict line of argument and soars into the higher atmosphere of eloquence and metaphor, the words are only mystic oracles, which, like the notes of an *Æolian* harp, delight the ear with their harmonious melody, but do not convey to the senses a distinct tune. In fact, if the declaration is to be taken as generally applicable to the speeches of great public orators and statesmen, it will be necessary in the future for each speaker to supply the shorthand writers with the key to his meaning, which might be put in a note at the foot of the 'report' in the next morning's papers. Thus would be obtained a double advantage. The reader would not be mystified, and the speaker would avoid the trouble of a future explanation.

It seems impossible to doubt the opinion previously expressed that the Conservative Government of 1866—1868, composed chiefly of the late Earl of Derby, Mr. Disraeli, and Lord Stanley, could have negotiated for a settlement of the ‘*Alabama Claims*’ with a much better chance of arriving at a fair, equitable, and friendly result than the Cabinet which succeeded them. Neither of the Conservative statesmen mentioned above had given any outward manifestations of sympathy with either side, and had not irritated Mr. Seward, or wounded the susceptibilities of the North, by speeches which were taken to be offensive and were at least indiscreet. They would no doubt have been held to be responsible for the policy of their predecessors, but the negotiations would in all probability have been carried on without any manifestations of pique on the part of the United States, and much of the harsh comment, the personal insinuations, and the sarcastic criticisms which appear in the ‘United States Case’ would have had no standing-place in that document, as they would have been wholly inapplicable to Ministers who had given no cause of offence. But the conditions under which the negotiations were resumed after the Liberal Party came back into power, with Mr. Gladstone as Prime Minister, and with other members of the Cabinet who administered the Government during the Civil War for his colleagues, rendered it almost certain that the United States would not only urge their claims with some asperity, but would insist upon such concessions as would involve a confession of error and an apology; and they succeeded in extorting both after a long and weary discussion.

The rejection of the Clarendon-Johnson Convention was officially notified to Lord Clarendon on the 4th of May, 1869. About the same time Mr. Hamilton Fish

relieved Mr. Seward as Secretary of State at Washington, and Mr. John Lothrop Motley succeeded Mr. Reverdy Johnson as United States Minister to Great Britain. It appears that Mr. Motley arrived in London on the 31st of May, 1869; and on the 10th of June he called on Lord Clarendon 'to make known to him the general tenor of his instructions.'<sup>\*</sup> In the interview which followed, Mr. Motley explained the reasons which led to the rejection of the Claims Convention by the Senate of the United States. He said that owing to an accident the Convention had been published in the United States prematurely, and that in consequence it had been unfavourably received by all classes and parties in the country long before it came under the notice of the Senate. Moreover, he said that the time at which it was signed was inopportune, as the late President and his Government were virtually out of office, and their successors could not be consulted on the subject. Finally, he said, the Convention was further objected to because it embraced only the claims of individuals, and had no reference to those of the two Governments on each other, and that it settled no question and laid down no principle. Mr. Motley furthermore said that 'in the present state of excitement which existed in both countries, his Government was of opinion that to reopen the question would be inexpedient, as it could not be approached with the calm deliberation which was essential to its satisfactory solution; and he wished, therefore, to defer the discussion of the subject.'

Lord Clarendon replied that her Majesty's Government were willing to comply with the wishes of the United States in respect to deferring the discussion,†

<sup>\*</sup> Lord Clarendon to Mr. Thornton, 'British Case,' Appendix, vol. iv., 'North America (No. 1), 1870,' p. 1.

† Ibid., p. 2.

but he did not consider that there was any great excitement in England on the subject, and he thought it would be very objectionable to postpone a settlement indefinitely, 'and to treat the matter as a quarrel held in suspension, to be revived only when circumstances might make it the interest of either party to do so.' Mr. Motley replied that Lord Clarendon need be under no such apprehension, as his Government merely desired that a definite time should be allowed for angry feelings to subside.

After the foregoing conversation there was no further discussion of the subject until October 15th, 1869, when Mr. Motley communicated verbally to Lord Clarendon the contents of a despatch he had received from Mr. Fish, which reopened the whole subject of the '*Alabama* claims,' and on the next day he forwarded to him a copy of the despatch, which was dated September 25, 1869.\* Considering that Mr. Motley had been instructed to propose a postponement of the discussion on the express plea that his Government wished to reopen the subject after calm deliberation, and when there had been time for all angry feeling to subside, Lord Clarendon no doubt expected to find in Mr. Fish's first despatch a plain, dignified, moderate, and friendly statement of the 'claims.' He doubtless hoped that all merely sentimental grievances would be omitted, that the insinuations, irritating epithets, and figures of rhetoric which marred the force and weakened the effect of Mr. Seward's State Papers would be eliminated, and that he would have to deal with practical demands based upon a clear unimpassioned statement of facts, well within the range of plausibility, even if not capable of 'technical proof' in every particular. These expectations were disap-

\* For Mr. Fish's despatch see 'British Case,' Appendix, vol. iv., 'North America (No. 1), 1870,' p. 3.

pointed, and the British Foreign Minister discovered that Mr. Fish's long and elaborate despatch was a mere recapitulation of the arguments previously used by Mr. Seward, stated somewhat less offensively, but retaining most of the insinuations and many of the exaggerations which there had been ample time to examine and to test.

The sentimental grievance crops up in the very first page of the despatch. After sketching the origin of what he calls the 'domestic insurrection,' Mr. Fish says:—'In such a contest, the Government of the United States was entitled to expect the earnest goodwill, sympathy, and moral support of Great Britain.' After expressing the 'painful astonishment' which the manifest absence of that sympathy produced, Mr. Fish gives an elaborate *rechauffée* of Mr. Seward's complaints against Great Britain, beginning with the allegation that the Declaration of Neutrality and the admission of the South to belligerent rights were premature and unfriendly to the United States, that they gave encouragement to the 'insurgents,' and enabled them to prolong the contest and to inflict incalculable injury upon the United States, for which they had a right to claim compensation from her Majesty's Government.

This part of the despatch does not much affect the object of the present narrative, and as the complaint, together with the reply of Earl Russell to it, have both been stated in a previous chapter, it might be left without further notice here. But Lord Clarendon, in his answer, gave some additional reasons why the complaint was in itself unreasonable, and why the grounds upon which it was advanced were untenable, and a synopsis of what his lordship said in reply will help to illustrate the manner in which the so-called '*Alabama Claims*' were brought before a Tribunal of Arbitration.

Lord Clarendon said that at the time when the Queen was advised to issue the Proclamation of Neutrality hostilities had actually begun, that the Confederate States had established a *de facto* Government, with all the machinery of civil and military power; that Fort Sumter had fallen, and the Confederate troops were in occupation of the Shenandoah valley, and were threatening Washington; that the Confederate President had called for a levy of 32,000 troops, to which the seceded States had promptly responded; that the Federal President had called for 75,000 volunteers, and then for 42,000 more; that as fast as the regiments could be armed they were marched to the defence of Washington, and that the contending armies were, indeed, 'face to face.'\* In respect to the operations at sea, he said that 'on the 17th of April the Confederate President had issued a Proclamation offering to grant letters of marque, and two days after the Federal President had declared the Southern ports to be in a state of blockade; that one or more British ships had actually been captured while attempting to run the blockade; that Confederate privateers were already at sea; that one had been captured on the 8th of May by the United States ship *Harriet Lane*; that a few days after the American barque *Ocean Eagle*, of Rockland, Maine, was captured by the Confederate privateer *Calhoun*, of New Orleans, and that at the same port the *Sumter* was fitting out for her cruise.

Lord Clarendon especially drew attention to the following facts. He said:—'Mr. Seward, writing at the time, and previously to the Queen's Proclamation' (May 4), 'characterized the proceedings of the Con-

\* Lord Clarendon's despatch and inclosure containing his comments will be found in Appendix to 'British Case,' vol. iv., 'North America (No. 1), 1870,' pp. 11—20.

federates as "open, flagrant, deadly war," and as "civil war" (Congress Papers, 1861, p. 165); and in a communication to M. de Tassara, the Spanish Minister, referred to the operations of the Federal blockade as belligerent operations which would be carried on with due respect to the rights of neutrals. Judge Betts, in the cases of the *Hiawatha*, etc., said:—"I consider that the outbreak in particular States, as also in the Confederate States, was an open and flagrant civil war." It was also judicially decided by the Supreme Court of the United States, in the case of the *Amy Warwick* and other prizes, that "the proclamation of blockade was in itself official and conclusive evidence that a state of war existed which demanded and authorized such a measure." \* He furthermore cited a joint resolution of the United States Congress in July, 1861, approving and confirming the war measures of the President, in which resolution the 'domestic insurrection' of Mr. Fish is called the 'present deplorable Civil War,' and 'this war.'

In view of all the foregoing, Lord Clarendon said:—"The date at which the Civil War actually commenced has, therefore, been fixed by the published despatches of the Secretary of State, by proceedings in Congress, by the formal judgment of the United States prize-courts, as well as by the universal assent of all the neutral Powers concerned," and he expresses a very justifiable surprise that Mr. Seward's threadbare complaint of British recognition of an accomplished and admitted fact should be revived four years after the close of the war.

In the memorandum forwarded to the British Minister at Washington, Lord Clarendon remarked upon the claims for 'vast national injuries' advanced by Mr.

\* See, for Lord Clarendon's remarks, 'British Case,' Appendix, vols. iii., iv., 'North America (No. 1), 1870,' p. 11, etc.



Fish,\* and he furnished Mr. Thornton with an extract from a speech delivered at Bristol (England) by Mr. Lawrence, the editor of the second annotated edition of 'Wheaton.' Mr. Lawrence was an American, and he was speaking to an English audience just about the time when Mr. Fish's despatch was delivered to Lord Clarendon. He said :—' As far as respects the complaint founded on the recognition of the belligerent rights of the Confederates, I cannot use too strong language in pronouncing its utter baseless character. No tyro in international law is ignorant that belligerency is a simple question of fact. With the late Sir Cornwall Lewis we may ask, if the array of a million of men on each side does not constitute belligerency, what is belligerency? But what was the Proclamation of the President, followed up by the condemnation of your ships and cargoes for a violation of the blockade which is established, but a recognition of a state of war? At this moment the United States, in claiming the property of the late Confederate Government, places before your tribunals their title on the fact of their being successors of a *de facto* Government. I repeat that, however valid our claims against you on other grounds, there is not the slightest pretext for any claim against you based on the public admission of a notorious fact, the existence of which has been recognised by every Department of the Federal Government.'

The foregoing is the language of the American editor of the standard American work on international law.

But Mr. Seward had apparently stamped his own peculiar views upon the State Department, and his successor was not equal to the effort of repudiating them. In reference to the despatch of Confederate cruisers from British ports, Mr. Fish writes quite in the

\* 'British Case,' Appendix, vol. iv. (No. 1), 1870, p. 19.

vein and temper of Mr. Seward, and with very nearly the same recklessness and exaggeration. We find in the official communication which had been held back to give time for calm deliberation such expressions as follow :— ‘Great Britain . . . *permitted* armed cruisers to be fitted out’—‘the Queen’s Government . . . *suffered* ship after ship to be constructed in its ports to wage war against the United States’—‘many ships were, with ostentatious publicity, being constructed’—‘*permission* or negligence which enabled Confederate cruisers from her ports to prey,’ etc.—‘Great Britain alone had founded on recognition a systematic maritime war’— ‘suffering the fitting out of rebel cruisers.’

Anyone reading the despatch from which the foregoing extracts are taken, having himself no knowledge of the facts, would suppose from the language used, that fleets of Confederate cruisers had been built, armed, and equipped in England and despatched from British ports. All who have read the foregoing pages of this work, will perceive how little of substantial truth there was in such broad assertions, and will admit the fitness of Earl Russell’s comment, that many of the allegations of those who represented the United States were rather ‘figures of rhetoric’ than plain statements of fact.

In reference to the supplies furnished to the South by British subjects, Mr. Fish described the poverty of the South thus :—‘We reflected that the Confederates had no ships, no means of building ships, no mechanical appliances, no marine, no legal status on the sea, no open seaports, no possible courts of prize, no domestic command of the instruments and agencies of modern maritime warfare ;’ and he then implies that the entire maritime force of the Confederate States was obtained in some sort of illicit way from Great Britain, with the

connivance, if not with the direct consent, of her Majesty's Government. The poverty of the Southern States in respect to naval resources at the beginning of the war was not overdrawn by Mr. Fish ; but what are the facts in regard to the manner and source from which their wants were supplied ? In the ' United States Case ' presented to the Tribunal of Arbitration, claims are made against Great Britain for alleged depredations of ten Confederate vessels in addition to the *Alabama*, the *Florida*, the *Shenandoah*, and their tenders. Every one of the ten were either built or bought within the Confederacy ; they were fitted out, armed, and manned at Confederate ports ; all of them sailed from Confederate ports on their first cruises, and at least three of them, the *Nashville*, the *Tallahassee*, and the *Chickasaw*, returned in safety to Confederate ports when they had accomplished the purpose for which they had been despatched. The foregoing facts could have been known to anyone who chose to inquire, and it is really marvellous that the State Department at Washington should have advanced claims against Great Britain, based upon statements which her Majesty's Government could so easily disprove.

Mr. Fish laid great stress upon the indirect injury to American commerce.\* He said :—' Our merchant-vessels were destroyed piratically by captors who had no ports of their own . . . and whose only nationality was the quarter-deck of their ships,' etc. ' Indirectly,' he said, ' the effect was to increase the rate of insurance in the United States . . . to take away from the United States its immense foreign commerce, and to transfer this to the

\* Mr. Fish's despatch, ' British Case,' Appendix, vols. iii., iv., ' North America (No. 1), 1870,' pp. 3—10.

merchant-vessels of Great Britain.’\* In proof of the foregoing, he said that ‘while in the year 1860 the foreign merchant tonnage of the United States amounted to 2,546,237 tons, in 1866 it had sunk to 1,492,923. This depreciation,’ he continued, ‘is represented by a corresponding increase in the tonnage of Great Britain during the same period to the amount of 1,120,650 tons.’ After a further remark to the effect that commerce was ‘abstracted’ from the United States and ‘transferred’ to Great Britain, he closes that part of the subject with the following startling and sensational statement :—‘ Thus, in effect, war against the United States was carried on from the ports of Great Britain by British subjects in the name of the Confederates.’

After so long a summary of grievances it might surely be supposed that Mr. Fish would have put the demands of the United States in some definite shape, and that he would have suggested some practical mode of adjusting the differences between the two countries, but he did not. On the contrary, he instructed Mr. Motley to inform Lord Clarendon that what he had written was not in the nature of a claim, nor did the United States then make a demand against her Majesty’s Government on account of the injuries sustained, nor did they then propose or desire to set any time for a settlement.† They were willing ‘to leave that question, and also the more important question of the means and methods of removing the causes of complaint, and of restoring the much-desired relations of perfect cordiality, etc., to the consideration of her Majesty’s Government.’

It must have somewhat embarrassed Lord Clarendon

\* Mr. Fish’s despatch, ‘British Case,’ Appendix, vols. iii., iv., ‘North America (No. 1), 1870,’ p. 5.

† Ibid., p. 10.

and his colleagues to know how to deal with the foregoing complaints and charges, direct and implied, all of which were unpleasantly familiar to them, and which in Mr. Seward's time they had so strongly repelled; and it was rather awkward to be asked to suggest the means and method for removing the causes of complaint, and for settling the account for damages, when they had already declared that they had given no just cause of complaint, and had declined to 'make reparation and compensation for the captures made by the *Alabama*, or to refer the question to any foreign state.'\*

It would be useless to trace the further progress of the negotiations in detail. There were other questions besides those pertaining to the Confederate cruisers, such, for example, as the relations of the United States towards the British Possessions in North America, and Naturalization Laws and the fisheries, all of which gave occasion for correspondence and discussion.

In January, 1871, Sir E. Thornton (the British Minister at Washington) informed Mr. Fish that he had been directed by Earl Granville† to propose to the Government of the United States the appointment of a Joint High Commission, which should be composed of members to be named by each Government, the Joint Commission to sit at Washington, and to treat of and discuss the mode of settling all questions which had reference to the fisheries and to her Majesty's possessions in America.

Mr. Fish replied, January 30th, 1871, that he had submitted the proposition to the President, and was

\* Earl Russell's despatch, August 30th, 1865, quoted previously.

† The same Cabinet, under Mr. W. E. Gladstone as Premier, was in office, but Earl Granville had succeeded the Earl of Clarendon as Foreign Secretary.

instructed to say that in the President's opinion the Joint High Commission would fail to re-establish the sincere, lasting, and substantial friendship between the two countries which he (the President) desired, unless the differences which arose from the acts committed by the Confederate cruisers, and which had given rise to the claims generically known as the '*Alabama* Claims,' should be also submitted to the Commission.\* Mr. Fish added that if her Majesty's Government would accept that view, and would agree that the '*Alabama* Claims' should also be treated of by the proposed High Commission, he was instructed by the President to say that the United States would with much pleasure appoint High Commissioners on their part to meet those appointed by her Majesty's Government at the earliest practicable moment. The proposal to include the '*Alabama* Claims' in the subjects to be referred to the Joint High Commission was promptly accepted by Earl Granville, who informed Sir E. Thornton on the 23rd of February, 1871, that Lord de Grey and the other British Commissioners had already left England.

A brief recapitulation is necessary to a clear and complete understanding of the conditions under which the so-styled '*Alabama* Claims' were at last submitted to arbitration. When the Liberal Government went out of office in 1866, the position was this :—Earl Russell had categorically declined 'either to make reparation and compensation for the captures made by the *Alabama*, or to refer the question to any foreign State ;'† and his suc-

\* For the full particulars see 'Parliamentary Blue Book,' 'Correspondence respecting Joint High Commission,' etc., 'North America (No. 1), 1871,' pp. 3—5.

† Earl Russell to Mr. Adams, August 30th, 1865, quoted on pp. 331, 332.

cessor, Lord Clarendon (in the same Cabinet), in closing the correspondence with Mr. Adams on the subject, maintained that the British Government 'had never deviated from the obligations imposed upon them by international law.'\* When the late Earl of Derby came into power the discussion was re-opened, and Lord Stanley, who was Foreign Secretary in his father's Cabinet, stated that 'although her Majesty's present advisers could not abandon the ground taken by their predecessors so as to admit the liability of Great Britain for the claims then and now put forward, yet they would be glad to settle the question, and were willing to adopt the principle of arbitration if the points to which arbitration should apply could be agreed upon.' The Stanley-Johnson Convention was the result of the foregoing proposal; but the restrictions which were imposed upon the inquiry into the '*Alabama* Claims' did not satisfy the President of the United States, and in consequence the Convention was never referred to the Senate for confirmation. When the Liberal Party resumed office in 1868, the Claims were again pressed, and another agreement was made between the two countries, commonly known as the Clarendon-Johnson Convention. By the terms of this latter Convention, her Majesty's Government consented to enlarge the inquiry into the '*Alabama* Claims' so as to meet as nearly as possible the views of the President of the United States; but, nevertheless, the Convention was rejected by the Senate, in consequence of the opposition of Mr. Charles Sumner and other extreme men, who manifestly wished to humiliate Great Britain by extorting an admission that she had committed an error in permitting the Con-

\* His letter of December 2nd, 1865, quoted on p. 334.

federates to trade with British subjects on terms of equality with the United States.

After the rejection of the Clarendon-Johnson Convention the subject was again held in abeyance for some time, and when it was reopened by Mr. Fish, although Lord Clarendon repeated the arguments advanced against the claims on former occasions, and with even greater force on some points, yet it appears from this time to be manifest that her Majesty's Government were worn out with the toils and vexations arising from the controversy. They were fast losing their often-avowed consciousness of right, and also their fortitude in resisting the claims, whose justice they had always heretofore repelled. The indiscreet speeches during the war, and the heedless admissions which had been drawn from several of the Ministers at various times, now rose up in judgment against them. Those fatal ebullitions of fancy or of feeling, and those unguarded slips of the pen, had from the very first furnished topics of angry comment in the American press; they had been the inspiring theme of many orations, spoken, indeed, within the halls of Congress, but really meant for 'Bunkum;' they had found their way into the very heart of society at the North, and the '*Alabama Claims*' had thus grown beyond the dimensions and importance of an ordinary inquiry affecting only certain commercial interests, or certain abstract principles of public law, and had come to be looked upon in the light of a grievance, more or less sentimental perhaps, but none the less real, and which could not have been removed without such an *amende* as would gratify the pride, and so relieve the minds of the Northern people from the feeling of mortification which had aroused both their jealousy and anger. When, therefore, Sir Edward Thornton informed Earl Granville



that the President thought there could be no adjustment of the questions between the two countries, which could establish a sincere, substantial and lasting friendship, unless the differences 'growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "*Alabama*" Claims were also settled,' her Majesty's Government probably perceived that it would be necessary either to concede the point, or to keep open a cause and source of international irritation, to the existence of which they must have felt that their own indiscretions had largely contributed.

Few, if any, will now say that the determination of the Cabinet then in power to yield was not dictated by prudence and worldly wisdom, but no one who reads the history of those times, and examines the diplomatic correspondence, can doubt that it must have cost the individual members of the Ministry some sacrifice of personal dignity and independence to make declarations and concessions which implied that they had framed their original policy hastily, and had pursued it with unreasoning stubbornness. Since the origin of the *Alabama* grievances no new fact had come to light, and no new principle had been discovered, which could have affected, or which did affect, the view her Majesty's Government took of their international duties; and as they changed their attitude only after their position had been rendered intolerable by reason of persistent remonstrances and long-continued reiterations of complaints, accompanied with many implied threats, it cannot be said that they were spontaneous advocates of a new and beneficent mode of settling international differences, nor can they claim the merit of having voluntarily set the example of substituting arbitration instead of war as the means of composing international jealousies.

The President's refusal to agree to any Commission to treat on other questions unless the '*Alabama Claims*' were also submitted for settlement was notified to Sir E. Thornton on the 30th of January, 1871, and he must have communicated the fact to Lord Granville by telegraph, because on the 1st of February he informed Mr. Fish that he had been 'authorized to state that it would give her Majesty's Government great satisfaction if the claims commonly known by the name of "*Alabama Claims*" were submitted to the consideration of the same High Commission,' etc.\*

Mr. Gladstone's Cabinet, having thus determined to abandon the position they had always heretofore maintained, acted with promptness and without reserve in the subsequent negotiations. The British Commissioners had all left England by the 18th of February, and the following extract from their instructions will show that they were fully authorized to make the apology the United States had from the very beginning determined to exact†:—'For the escape of the *Alabama* and consequent injury to the commerce of the United States, her Majesty's Government authorize you to express their regret in such terms as would be agreeable to the United States and not inconsistent with the position hitherto maintained by her Majesty's Government as to the international obligations of neutral nations.' As her Majesty's Government had hitherto maintained that they had been guilty of no default in the practice of their neutrality, that the *Alabama* was a legitimate object of mercantile traffic, and that there was no evidence that anyone con-

\* North America (No. 1), 1871,' vol. iv., p. 4.

† For Earl Granville's letter of instructions see Parliamentary Document, 'North America (No. 3), 1871,' in Appendix to 'British Case,' vols. iii., iv., pp. 1—4.

nected with her had violated the law, it is difficult to penetrate the cause of their regret at that particular time, or to perceive why they did not express it at an earlier date.

Everybody laments the sufferings and losses produced by war, no matter who are the sufferers, and her Majesty's Government had often declared their hope and desire that the sanguinary struggle might soon cease; but they had always during the continuance of the war, and for years afterwards, refused to make the least concession that would imply an acknowledgment of responsibility for the acts of any Confederate cruiser, and yet they had so weakened their position by indiscreet speeches and admissions, that at last they were forced to express regrets in such a form and in such a connection as naturally to admit their default. To say that they regretted the 'escape' of the *Alabama* and the consequent injuries to the commerce of the United States, etc., looks very like an admission that they should have prevented her departure, or punished the implicated parties, and cannot but excite surprise that they did not frankly say so years before.

Notwithstanding the seeming confession of guilt implied in the manner of expressing their regret, her Majesty's Government strenuously maintained in their 'Case' before the Tribunal of Arbitration that Great Britain was not responsible for the acts of the *Alabama*, whatever they may have been. The general review of the allegations and arguments of the United States in respect to the *Alabama* and *Florida* occupies pp. 72 to 88 of the British 'Counter Case,' and the final sentence is in these words following:—'Her Majesty's Government again submit that neither in respect of the *Alabama* nor *Florida* is Great Britain chargeable with

any failure of international duty for which reparation is due from her to the United States.'

It is very difficult to furnish a commentary upon the conduct of the British Ministry who managed the *Alabama* negotiations, which shall be clear, and at the same time fair, without frequent repetitions or recapitulations of what has been said before. I have tried to refrain from suggesting any inferences, and from indulging in any criticism, except when the actual language of Ministers or extracts from official documents have been quoted, so that each reader might see for himself whether the facts justify the deductions. A man must have profited little from the lessons of life if he has not learned to keep his passions and prejudices in subjection to his judgment, and if he cannot state the conduct of others who may have inflicted injury upon the cause in which he was interested, without tampering with the facts or suggesting unfair inferences.

The Joint High Commissioners met and held their first conference in Washington on the 27th of February, 1871, and after producing their respective full powers, they appointed Lord Tenterden, Secretary to the British Commission, and Mr. Bancroft Davis, Assistant-Secretary of State of the United States, to perform the duties of Joint Protocolists, and agreed upon the subjects for discussion.\* Conferences were held from time to time, and protocols were drawn up recording the progress made in the negotiations. At the conference on the 3rd of May, 1871, it was determined to embody in a single protocol a general statement containing an account of the negotiations upon the various subjects contained in the Treaty in the order in which the subjects were to stand in that document.† On the 4th of May the Joint

\* 'North America (No. 3), 1871,' p. 5.

† *Ibid.*, p. 8.

High Commissioners met to consider the statement, in respect to which it is only necessary to say that the '*Alabama* Claims' take precedence of all other subjects.

It appears from the statement that at the beginning of the negotiations the American High Commissioners recapitulated the statements previously made by Mr. Seward and Mr. Fish.\* They said that the United States had sustained great wrong and injury to their commerce and material interests 'by the course and conduct of Great Britain during the recent rebellion;' that the *Alabama* and other cruisers 'which had been fitted out, or armed, or equipped, or which had received augmentation of their force in Great Britain or her colonies,' had inflicted heavy direct losses by the capture and destruction of a large number of vessels with their cargoes; that a heavy national expenditure had been incurred in the pursuit of these cruisers, and that there had been great indirect loss to the United States, in the transfer of a large part of the American commercial marine to the British flag. They said that the claims for private property destroyed already amounted to \$14,000,000, without interest, and the 'amount was liable to be greatly increased by claims which had not been presented,' and 'that the cost to which the Government had been put in the pursuit of the cruisers could be ascertained by certificates of the accounting officers,' etc. Finally, 'they hoped that the British Commissioners would place on record an expression of regret by her Majesty's Government for the depredations committed,' etc., and proposed that the Joint High Commission 'should agree upon a sum which should be paid by Great Britain to the United States, in satisfaction of all the claims and interest thereon.'

\* For 'Statement' see 'Parliamentary Documents North America (No. 3), 1871,' p. 8, etc.

The British Commissioners were not disposed to reply in detail to the foregoing statements, but were content to repeat the denial of any responsibility on the part of Great Britain for the acts of the Confederate cruisers. They expressed the hope that there would be no necessity for a lengthy controversy, and proposed to submit the whole question, both as to law and fact, to arbitration. The Commissioners of the United States said that 'they could not consent to submit the question of liability of her Majesty's Government to arbitration, unless the principles which should govern the arbitrators in the consideration of the facts could be first agreed upon.'\* The British Commissioners replied 'that they should be willing to consider what principles should be adopted for observance in the future; but they were of opinion that the best mode of conducting an arbitration was to submit the facts to the arbitrator, and leave him free to decide upon them after hearing such arguments as might be necessary.' The American Commissioners replied 'that they were willing to consider what principles should be laid down for observance in similar cases in future, with the understanding that any principles that should be agreed upon should be held to be applicable to the facts in respect to the *'Alabama Claims.'*' The British Commissioners replied 'that they could not admit that there had been any violation of existing principles of international law, and that their instructions did not authorize them to accede to a proposal for laying down rules for the guidance of the arbitrator, but that they would make known to their Government the views of the American Commissioners on the subject.'

The question was at once referred to the home Government, and the British Commissioners were instructed to

\* 'North America (No. 3), 1871,' p. 9.

say 'that her Majesty's Government could not assent to the proposed rules as a statement of principles of international law which were in force at the time when the *'Alabama Claims'* arose; but that her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries, etc., agreed that, in deciding the questions between the two countries arising out of those claims, the arbitrators should assume that her Majesty's Government had undertaken to act upon the principles set forth in the rules which the American Commissioners had proposed.'

It was manifest that the United States would not be content with a mere diplomatic expression of regret. Their purpose was to make sure of a verdict in their favour, and to secure the award of substantial damages; and it was, therefore, necessary to create a new law, which should be applied to rights and obligations defined and ordained by a pre-existing law. By agreeing to be judged by the new rules, her Majesty's Government virtually consented to a verdict for the United States, and placed Great Britain in a very anomalous position. They denied the prior existence of the rules, and yet consented that they should be the measure of their past obligations. They affirmed to the very last that they had not deviated in any particular from the duties imposed upon them by international law, and had incurred no liability to the United States; and yet they consented to be judged by a set of new rules so broad and indefinite as to render a judgment against them certain.

If we are asked to admit that this was a great and generous concession made in the interests of peace, and in obedience to the kindly and noble precept which com-

mands us to do what is right, though the heavens fall, we are forced to reply that the date and circumstances of the surrender alike oppose that view. So far as the questions at issue were affected either by the specifications of law or the principles of equity, there had been not the slightest change since the day when Earl Russell had emphatically refused to admit any liability whatever, or to make any compensation ; and throughout the 'Case' presented to the Tribunal of Arbitration on behalf of Great Britain, it is argued with force and persistency, and the highest American authorities are quoted to prove, that her Majesty's Government had violated no international duty. The conclusion is, therefore, irresistible that the members of the British Ministry were conscious of their former vacillation ; and perceiving how much they had weakened their own position, and given plausibility to the claims of the United States by their own indiscretions, they thought it prudent to silence further complaints by concessions which would yield to the United States the substantial fruits of victory, while they themselves seemingly maintained the attitude of a vigorous defence.

But her Majesty's Government, having determined to yield, do not appear to have paid much heed to the language in which the rules were expressed, nor did they take the least pains to fix upon them a common interpretation. In the proceedings before the Tribunal of Arbitration, the United States plainly declared that they regarded the rules as no more than a statement of previously established rules of international law. In the British 'Counter-Case' it is admitted that certain expressions employed in the rules belong to a class in common use among publicists to define the duties of neutrality, but the construction put upon those ex-



pressions by the United States for the purposes of the arbitration is strongly opposed.\*

For example, in the British Case it is contended that the phrase 'base of naval operations' denotes the use of neutral territory by a belligerent ship as a point of departure, where she may await, and from which she may issue to attack her enemy, whereas the United States contended that Great Britain made her territory a base of naval operations for the Confederate States by the mere fact of having permitted their cruisers to obtain occasional supplies of coal at their ports. The meaning attached to the words 'specially adapted to warlike use' and 'due diligence' were prominent subjects of controversy in the arguments before the Tribunal, and the general objections of the British representatives to the American interpretation of the rules is thus stated in the British Counter Case:—'Her Britannic Majesty's Government observes with sincere regret that, as in other particulars, so more especially in this, the Government of the United States, instead of accepting in a fair and reasonable sense rules which the two Powers have engaged to observe towards one another, and to recommend for adoption to other States, seems on this occasion to have considered how they might be turned to the greatest advantage in the present controversy, and with that view to have strained the construction of them to the very utmost. The undue extension which it is proposed to give to the first rule does not accord with its plain and natural meaning, was never contemplated by the Government of her Britannic Majesty, and is altogether rejected by Great Britain.'†

The simple fact is that her Majesty's Government

\* These rules are given at the end of the chapter, p. 411.

† 'British Counter-Case,' p. 17.

gave way to the United States, and agreed to the three rules hastily, and without fully appreciating the extent to which it would afterwards be attempted to apply the principles of the rules in determining the liability of Great Britain. A half hour's discussion at Washington before the fatal Treaty was signed would have saved much argument before the arbitrators, and would probably have saved to Great Britain a large portion, if not the whole, of the £3,000,000 indemnity.

On the 6th of May, 1871, the Joint High Commission met for the last time before the signing of the Treaty.\* The business of the Commission was merely to confirm the general protocol of the conference held on the 4th of May, and then followed the customary exchange of friendly congratulations. The British Commissioners said 'it had been most gratifying to them to be associated with colleagues who were animated with the same sincere desire as themselves to bring about a settlement equally honourable and just to both countries . . . and they would always retain a grateful recollection of the fair and friendly spirit which the American Commissioners had displayed.'

Her Majesty's Commissioners had no doubt yielded the concessions they were instructed to make with affability and grace, and in the expectation that all cause for acrimony and recrimination had been removed, and that the case before the arbitrators would be conducted in a friendly spirit, their complimentary farewell was the natural outcome of their inward satisfaction. The United States Commissioners, on the other hand, having virtually obtained in respect to the '*Alabama* question' all that their Government had been vainly contending for during the preceding eight or nine years, were

\* '*Alabama* Claims—North America (No. 3), 1871,' p. 15.

naturally in exuberant good-humour, and were doubtless quite sincere in saying that 'they were gratefully sensible of the friendly words expressed by Lord de Grey . . . and that they had been impressed by the earnestness of desire manifested by the British Commissioners to reach a settlement worthy of the two Powers who had committed to this Joint High Commission the treatment of various questions of peculiar interest, complexity, and delicacy.'

It has been necessary in previous chapters to comment upon the peculiar harshness of tone and the angry spirit which pervades the 'United States Case' in the proceedings before the arbitrators, and anyone who cares to read the above-mentioned document will be surprised to perceive how little the whole procedure resembles the friendly reference of a dispute to the impartial judgment of a disinterested tribunal. A large portion of the reply of her Majesty's Government to the 'Statement of Claims' on the part of the United States is in the nature of a defence or a remonstrance against the insinuations, the depreciation of English laws and institutions, and the disparaging comparisons between the conduct of Great Britain and other countries, with which that statement bristles.

The courtly congratulations and gratifying compliments exchanged at Washington in May, 1871, were forgotten—at least, they were not permitted to lessen the vigour or to blunt the sharpness of the attack at Geneva—and the contrast between the suave parting of the Joint High Commissioners, when they had agreed to refer the questions at issue to friendly arbitration, and the ill-disguised irritation on one side, and scarcely suppressed disappointment and mortification on the other, furnish a melancholy example of the utter in-

adequacy of polite phrases to convey any substantial meaning.

The Treaty for the settlement of the '*Alabama* Claims' and other questions was signed at Washington, May 8th, 1871, and the ratifications were exchanged June 17th, 1871. The preamble of Article I. sets forth very prominently 'the regret felt by her Majesty's Government for the escape, under whatever circumstances, of the *Alabama* and other vessels from British ports, and for the depredations committed by those vessels.' In Lord Granville's original instructions to the British Commissioners they were authorized to express regret for the escape of the *Alabama* alone, but in the Treaty that regret is made to include 'other vessels.'

Her Majesty's Government never admitted, except in an indiscreet conversation of one of the Cabinet, that even the *Alabama* had 'escaped,' until the Joint Commission was about to meet. Up to the very close of the arguments before the Tribunal of Arbitration the British representatives contended that even in respect to the *Florida* 'there was no reasonable ground to believe that she was intended to cruise against the United States,' and they strongly urged that there was no ground for suspicion in respect to the *Georgia* and *Shenandoah*; indeed, in respect to the last-named vessel they say that it is not even pretended that the United States consular authorities called the attention of her Majesty's Government to her, or that anyone suspected at the time of her departure from London that she would pass into the Confederate naval service. It must, therefore, have been careless on the part of her Majesty's Government to permit the expression of regret in respect to the *Alabama* to be so extended in the very preamble of the Treaty as to include 'other vessels'—a very indefinite expression.

To admit an escape certainly seemed to imply the acknowledgment of some negligence in permitting the escape. At any rate, the United States made good use of the admission in that sense.

By the conditions of the Treaty, Great Britain and the United States agreed to refer all the claims 'generically known as the "*Alabama* Claims,"' to a Tribunal of Arbitration to be composed of five arbitrators, one to be named by each of the contracting Powers, one by his Majesty the King of Italy, one by the President of the Swiss Confederation, and one by his Majesty the Emperor of Brazil. The several Powers named appointed the following arbitrators:—Great Britain, Sir Alexander Cockburn, Baronet; the United States, Charles Francis Adams, Esq.; Italy, his Excellency Count Frederic Sclopis; the Swiss Confederation, M. Jacques Staempfli; Brazil, his Excellency Marcos Antonio d'Araujo, Viscount d'Itajubá. The five arbitrators met at Geneva on the 15th of December, 1871, exchanged their respective powers, and declared the Tribunal of Arbitration to be duly organized.\* The High Contracting Parties were represented by agents, to wit, Great Britain by Lord Tenterden, and the United States by John C. Bancroft Davis, Esq., and there were also counsel, whose office it was to argue the cases of their respective Governments.

In the very nature of things it was manifest that the British and American arbitrators would cancel each other's votes on most, if not all, crucial points. It is hardly possible to conceive that Mr. Adams would be induced to abandon the position he had taken throughout his long controversial correspondence with Earl Russell

\* 'Proceedings of Tribunal of Arbitration at Geneva—North America (No. 2), 1873.' After several adjournments the Tribunal met June 15, 1872, and pronounced judgment September 14, 1872.

on the subject of the claims, or that he would be converted to the views of their own conduct which her Majesty's Ministers had previously maintained by any fresh exposition of the subject. It was equally unlikely that Sir Alexander Cockburn would be convinced by the arguments of the counsel for the United States that her Majesty's Government, the law officers of the Crown, and the Lord Chief Baron of the Court of Exchequer, had misinterpreted the Foreign Enlistment Act, and that the British authorities had neglected to perform their neutral duties in accordance with international law.

The judgment of the Tribunal of Arbitration therefore depended mainly upon the view which the three remaining arbitrators might take, and it must be admitted that those distinguished statesmen were in a somewhat embarrassing position. If the whole subject-matter of the controversy had been submitted to them, both as regards law and fact, and they had been asked to decide in accordance with the principles and rules of international law which were binding upon all nations during the time when the events upon which the claims of the United States were based occurred, their office would have been simple enough. But they found themselves in the position of having to assess the amount of liability Great Britain had incurred under three new rules of very indefinite signification, and which they soon perceived the two contending parties construed very differently. They were, in fact, required not to give judgment upon the rules of international law as commonly received, but to declare a new code, which, according to the interpretation of those who represented the United States, would render the position of neutrals in case of a war between two great naval Powers simply intolerable. They perceived, however, that Great Britain had

virtually confessed that she owed both reparation and compensation to the United States by admitting that the '*Alabama* and other vessels' had escaped from her jurisdiction, and by expressing regret for the injury they had inflicted; and it must have appeared to them that all previous contentions to the contrary had been abandoned by Great Britain, and that their only course was to judge between the parties according to the conditions agreed upon between them, and to keep the damages down to a reasonable figure.

The United States appeared before the Tribunal with all the advantages of a diplomatic triumph in their favour, and could also point to such a plain confession of default on the part of their opponents, as to make it well-nigh certain that the judgment would in the main be favourable to them. It is therefore greatly to be regretted that their 'Case' was not drawn up in the friendly spirit which appears to have possessed the Joint High Commissioners in their deliberations; on the contrary, it seems to have been written on the model of Mr. Seward's most acrimonious despatches, bears evidence of pique and irritation which is strikingly out of harmony with the character of the proceedings, and manifests the purpose throughout to obtain a specific present advantage, and to secure a pecuniary profit, rather than the desire to found an honourable precedent for the settlement of future international disputes, and to establish new rules for the guidance of neutrals which both England and America could recommend to other Powers.

But if the statement of the 'United States Case' is open to censure in its general features, the specific claims are set out in a still more objectionable manner. Special failures of duty are alleged against Great Britain, in respect to a number of vessels, and then she is charged

indiscriminately with all the losses occasioned by those vessels, and the cost which the United States incurred in their pursuit. In addition to the losses, interest is claimed on the amount, which is calculated at seven per cent. per annum, and so little care was taken to verify the accounts, that when the specific items were submitted to inspection, it was discovered that the date from which interest was charged was, in a large proportion of the alleged losses, long antecedent to the dates when they were stated to have occurred.\*

The claims made by the United States may be classed under two general heads, viz., 'Claims for Private Losses,' and 'Claims for National Loss and Expenditure.' Under the former they included (1) claims for the value of ships freighted with cargo destroyed by Confederate cruisers, for the consequent loss of freight, and the value of the cargoes; (2) claims for vessels in ballast; (3) claims by owners of whaling vessels destroyed, for the value of the vessels themselves, for the oil actually on board, and for the prospective catch of fish—in fact, for speculative earnings; (4) claims by American insurance companies, for insurance on ships, cargoes, freights, and profits, alleged to have been lost by the destruction of the vessels; (5) claims for captains' wages, personal effects taken or destroyed, and personal damages.

The United States appear to have exercised no sort of discrimination or oversight in testing the accuracy of private claims, but presented them just as they were handed in by the persons who alleged that they were interested in the property destroyed. Everyone knows that not much reliance can be put upon the estimate of the interested parties in respect to the value of lost

\* 'British Counter-Case,' p. 133.



property they are seeking to recover, and a responsible Government should at least test the accuracy of the calculations of claimants before adopting them as the basis of a national claim.

During the Franco-Prussian War of 1870 some British vessels were sunk in the Seine by the German military forces. The owners sent in a claim for £20,270.\* The German Government was perfectly willing to pay the actual loss incurred, but thinking the amount asked exorbitant, they referred the claim to her Majesty's Government for investigation, who directed the Board of Trade to make the necessary scrutiny. After due examination the Registrar of the Court of Admiralty reported that the owners were only entitled to £6,899, which the German Government paid, thus saving about two-thirds of the claim by the very honourable and friendly intervention of the Government whose subjects were the claimants. The British Government in like manner referred the claims of the United States to a Committee appointed by the Board of Trade. A few extracts from the reports of the Committee will demonstrate how little pains the United States took to keep their demands within just limits.†

The Committee report thus :—‘ We find shipowners putting forward claims for full freights and earnings without any deductions whatsoever, so that they are, in effect, demanding profits at a rate exceeding 200 per cent., and sometimes exceeding 2,000 per cent. . . . We find the owners of whaling vessels demanding the whole value of their ships and outfits, although they have received more than \$700,000 from insurance companies, who at the

\* ‘British Counter-Case,’ p. 134.

† The reports are printed in full in the Appendix to ‘British Case,’ vol. vii.

same time, and in addition, put forward a claim for the same amount. We find the charterer claiming for the loss of the charter party or his profits thereon, whilst the shipowner demands the freight in full; and finally, we find merchants claiming profits on their goods at the rate of 30 and 40 and even 50 per cent. per annum, without making any allowance for freight and for charges at the port of destination.' In regard to the claims on behalf of whale-ship owners for prospective earnings, the Committee report:—'The total claim in respect of the whaling and fishing vessels amounts to about \$8,500,000, about half of which is demanded for the loss of prospective earnings, without any deductions whatever;' and they very justly add that such claims are perfectly illusory, and 'can be proved, as will be shown hereafter, to be equivalent to claiming, over and above the whole capital invested in those speculative adventures, a profit on such capital at a rate exceeding 300 per cent. per annum.'

Again, the Committee state that neither the English nor American Courts have ever allowed a claim for loss of wages by the master in cases of collision or capture; but, irrespective of that, they say 'it must be observed that the claim of the master for loss of wages when advanced at the same time, as it invariably is in the present case, with a claim by the shipowner for full freight, is not less unjust than the claim by the owner for the amount of his loss when followed immediately by the claim of the insurance company for the very same amount, for it is out of the gross freight that the wages would have been paid, and without such payment the gross freight could not have been earned.'\*

\* The report states that in five cases—the *Alert*, *Covington*, *Catherine*, *General Williams*, and *Gipsev*—the owners give credit for

A few items taken from the claims for personal effects, etc., will show what license the United States allowed such claimants. Ebenezer Nye, master of the *Abigail*, of 310 tons, claimed for upwards of \$16,000, or about £3,200, for the loss of personal effects on board that vessel; the master of the *Rockingham*, of 976 tons, claimed for loss of personal effects, \$8,054, or £1,600; a passenger by the *Winged Racer* claimed \$10,000 for loss of office as Consul, and \$1,015 for loss of personal effects; the master and mate of the *Crown Point*, of 1,100 tons, each advanced claims for \$10,000.

But if the United States were careless in accepting and presenting extortionate and unjust claims on behalf of private individuals, they were none the less heedless of accuracy, and indifferent to criticism, in regard to the claims for national losses. For example, they claimed for the value of the war-steamer *Hatteras*, sunk by the *Alabama*, which afforded her Majesty's Government the opportunity to prove that the engagement took place so near to a powerful United States squadron that she could not have been destroyed except for want of proper support. They claimed for the value of the revenue-cutter *Caleb Cushing*, which claim the British 'Counter-Case' argues ought certainly to be disallowed, because that vessel was cut out of the fortified harbour of Portland, in the State of Maine, by boats sent from a small fishing schooner, captured by the *Florida* and commissioned as a tender.\*

The claims for expenditure alleged to have been incurred in the pursuit of Confederate cruisers were also submitted to the scrutiny of the practical and pains-

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money received from the underwriters, but in all other cases they believe no such credit was given.

\* 'British Counter-Case,' p. 137.

taking Committee of the Board of Trade, and they found it necessary to point out that the accounts upon which that description of claims were based contained 'many obvious errors, many discrepancies which there were no means of reconciling, and a great number of charges which, in the absence of explanations, cannot but be deemed excessive.' The United States alleged that the sailing-ship *Sheppard Knapp* was wrecked while in pursuit of Confederate cruisers, and she is entered in the claims. In reference to her, the report of the Committee states as follows\* :—'The whole amount of the *Sheppard Knapp's* outfit is charged, although in the official account of her loss, in the report of the Secretary of the United States Navy to Congress on the 7th of December, 1863, p. 556, it is stated that 'her battery (11 guns) and appointments, ordnance, yeoman's and masters' stores, instruments and charts, provisions and clothing, spars, sails, running and standing rigging, anchors and chains, everything portable and of value to the Government, has been saved. The only loss is the hull and the use of the ship.'†

As an example of the excessive charges in the claims for expenditure, the following will suffice:—'For example,' the report says, 'the charges under the head of medicine and surgery amount to \$28,664.24. The Medical Director-General of her Majesty's Navy states that £2,500 (about \$12,000) would probably cover the charge for medicines and medical stores for 7,600 men for 303 days in her Majesty's Navy. And this appears to have been the total of the complements of the United States cruisers.'

Further extracts from the Board of Trade reports, and

\* Appendix to 'British Case,' vol. vii., p. 90.

† Quoted from report, 'Counter-Case,' p. 137.

further examples from the United States claims, are unnecessary. Those who are curious on the subject will find ample evidence in the British 'Counter Case,' and in the 'Appendix to the British Case,' vol. vii., that the American Government showed little, if any, desire to seek fair and just compensation, and he will be forced to conclude that the purpose was to present as big a bill as possible, in order to allow for a probable large deduction. It is hardly possible to calculate what the claims of the United States would have amounted to if they had been allowed in their entirety. The amount claimed under the head of 'Expenditure incurred in pursuit of Confederate vessels' alone was \$7,080,478.70;\* and who can tell what figures the double claims for ships, cargoes, and insurance would have reached, or what amount would have expressed the prospective catch of the thirty-eight whale-ships destroyed by the *Shenandoah*, and the fourteen by the *Alabama*?

The best evidence that the claims were preposterously excessive is to be found in the fact that the United States have not been able to find claimants to whom they have been willing to pay more than about one half of the moderate amount awarded by the Tribunal in gross eleven or twelve years ago, and there has been more than one discussion in Congress as to how the remainder should be disposed of. A member of the House of Representatives is reported to have said that in his opinion it ought to be handed back to Great Britain.

The Treaty of Washington and the award of the Tribunal are too long to be given in full in this work. It is hoped that so much of the former as pertains to the 'Alabama Claims' has been sufficiently explained. Both

\* Appendix to 'British Case,' vol. vii., pp. 63, 111.

documents are easily accessible to all who care to consult them. The actual decision of the Tribunal in respect to each ship for whose operations the United States claimed damages was as follows:—

The *Alabama*.—‘Great Britain has in this case failed, by omission, to fulfil the duties prescribed in the first and the third of the rules established by the Sixth Article of the Treaty of Washington.’ The *Florida*.—‘Great Britain has in this case failed, by omission, to fulfil, etc., in respect to the first, second and third of the rules,’ etc. The *Shenandoah*.—‘Great Britain has not failed by any act or omission to fulfil, etc., during the period of time anterior to her entry into the port of Melbourne, but Great Britain has failed, etc., under the second and third rules aforesaid, in the case of this same vessel, from and after her entry into Hobson’s Bay, and is therefore responsible for all acts committed by that vessel after her departure from Melbourne,’ etc.

In respect to the vessels called the *Retribution*, *Georgia*, *Sumter*, *Nashville*, *Tallahassee* and *Chickasaw*, the decision was ‘that Great Britain has not failed by any act or omission,’ etc., and in respect to the *Sallie*, the *Jefferson Davis*, the *Music*, the *Boston* and the *V. H. Ivy*, respectively, the Tribunal decided unanimously ‘that they ought to be excluded from consideration for want of evidence.’ The Tribunal also decided that the vessels captured by the *Alabama* and *Florida*, and which were commissioned as auxiliary vessels, must follow the lot of their principals.\*

It will be seen, then, that the United States lodged claims in respect to fourteen vessels (irrespective of the auxiliaries), and that Great Britain was declared to be at fault in respect only to three, and it is, moreover, impor-

\* For the award respecting money indemnity, etc., see p. 411.

tant to note that in the three cases in which she was judged to have failed in her duties, the failure or default was in each case stated to be, not by reason of any act at variance with the principles of international law as commonly understood, but for omission to fulfil the duties prescribed by two or three of the new rules established by the Treaty—rules which are of course binding upon no other Powers.

Let us for a moment reflect upon the consequences of the foregoing decision, supposing that the rules laid down in the Washington Treaty are adopted as international law. The *Shenandoah*, a merchant screw-steamer, built, however, with arrangements suited for carrying troops, sailed from London, ostensibly on her regular voyage to Bombay, and left London without suspicion and without any intimation to her Majesty's Government that she might ultimately fall into the hands of a belligerent. Many hundred miles from the British coast she was transferred to a Confederate officer, who took possession of her with a staff of officers, and regularly and lawfully commissioned her as a Confederate ship-of-war. She at once proceeded on a cruise, made several captures, and in course of time arrived at the British colonial port of Melbourne, in the Antipodes.

The Tribunal of Arbitration have decided that up to the date of her arrival at Melbourne the *Shenandoah* was a legitimate national cruiser, and that Great Britain was not in any respect liable for her acts, notwithstanding her British origin. But after her departure from that port it was discovered that some fifteen or twenty men had joined and gone to sea in her, in spite of the vigilance of the local police, who had been directed by the Governor to prevent any attempt to increase the crew. The commander of the *Shenandoah* stated officially that the men

got on board secretly, and were not discovered until the ship was at sea, and as she was lying in a large bay and was receiving coals and other supplies which required the constant passage of many boats between her and various points on the shore, it is not difficult to perceive that a few men could have got on board and concealed themselves without the possibility of detection by the limited water-police of a colonial port. The Tribunal of Arbitration have, however, declared that from the date at which it was discovered that fifteen or twenty idle and adventurous seamen at Melbourne smuggled themselves on board the *Shenandoah*, the second and third rules of the Treaty were aroused into action, and the British Government became pecuniarily responsible for every act of war committed by her. That is to say, because the police of a distant colonial port have proved to be unsuspecting or inefficient, or have been deceived by a ruse, the mother country is at once saddled with an indefinite responsibility.

Let us now apply the consequences of the foregoing decision prospectively to the United States. Suppose that Great Britain and France should some day have the misfortune to fall out and go to war with each other. After the beginning of hostilities one of the steam-packets employed in the trade between New York and the Brazils sails from that port for Rio de Janeiro, having fulfilled every legal requirement at the port of departure. Instead of going direct to Rio, she proceeds to an uninhabited Cay on the Bahama Banks, where she is handed over to a French naval officer, who brings with him a staff of officers, a few guns, a supply of small arms, with other stores, shipped from New Orleans, and a number of seamen, and commissions her as a French ship-of-war.



The French officer wishes to have a dash at British commerce, and he runs to the northward, along the American coast, burning and scuttling a few Liverpool or Bristol ships, until he finds himself short of fuel and other supplies. He is now off the New England coast, and, shunning the large seaports for prudential reasons, he slips into some quiet nook, say Provincetown, at the back of Cape Cod, or one of the small harbours in the Martha's Vineyard Sound. There he begins to take in such supplies as can be got. The British Consul, if there is one, notifies the local authorities that the Frenchman is no better than a 'pirate,' and that if they don't mind he will infringe the neutrality of the port. The mayor, or the United States marshal, or both, are quite willing to do what is right in the matter, and strict orders are given that no American citizen must enlist on the strange craft, and the local constables are strictly enjoined to keep their eyes open.

The crew of the Frenchman meanwhile mix with the groups of seafaring men whom they meet along the shore, and tell them that their ship is a fine vessel, that there are twenty or thirty Americans on board who are well satisfied with the fare, the treatment, and the chances of prize-money. The cod-fishing season has been dull, and the men have no employment. A few of them think it would be a fine thing to have a cruise in the natty craft they have been admiring, and which, in spite of her tri-colour flag, looks every inch a New York ship ; so they slip on board while the marshal and mayor are asleep, and the constables are looking after other matters, and are concealed by their confederates. The next day the French commander, ignorant of the addition to his crew, pays his bills, bids a suave 'good-bye' to the friends he

has made on shore, and steams away in search of more British ships.

Her Majesty's Consul has all this time been fretful, suspicious, and inquisitive. Before the Frenchman has been gone twenty-four hours he discovers, no matter how, that a number of men whom he used to see lounging about the foreshore, or smoking their pipes on the jetties, have disappeared, and some man who was disappointed in getting on board supplies him with evidence that the absentees have gone off in the Frenchman. The fact is duly reported to her Majesty's Minister at Washington, and is notified to the home Government, and then formally to that of the United States. The French cruiser is fortunate : she picks up a good many prizes, costly steamers, rich with the freights of India, the gold of Australia, and the corn of Chili and California. By-and-by there is peace : France and England shake hands across the Channel. Her Majesty's Government compile a list of the captures of British ships by the 'American piratical cruiser,' refer the list to the Board of Trade to assess the loss, and the bill, say for £2,000,000 or £3,000,000, is forwarded to Washington with the following 'N.B.' at foot :—'In accordance with the duties prescribed by the rules established in the Sixth Article of the Treaty of Washington.'

Such would be the legitimate, the logical, the unavoidable consequences of enforcing the three rules of the Treaty of Washington as they were construed by the United States and confirmed by the decision of the Tribunal of Arbitration.

One of the most striking examples of the effort made by the United States to extend the meaning and to strengthen the application of the rules of the Treaty is

furnished by their claim in respect to the *Sumter*. That vessel, it will be remembered, ran out of the Mississippi and began her cruise in June, 1861. During her very successful foray through the West Indies, she touched at various ports, and was permitted to receive coal as follows :—‘Cienfuegos, 100 tons ; Curaçoa, 120 tons ; British island of Trinidad, 80 tons ; Paramaribo, 125 tons ; Maranham, 100 tons. From Maranham she proceeded to the French island of Martinique, where she took on board, by the written permission of the Governor, a sufficient supply to carry her across the Atlantic to Cadiz.’\*

Of the prizes captured by the *Sumter* during the above West India cruise, eleven were taken before she put in at Trinidad, *none from the date of leaving Trinidad to that of her arrival at Paramaribo*, two between Paramaribo and Maranham, and three after leaving Martinique.†

It will be seen that the *Sumter* not only received a less quantity of coal at Trinidad than at either of the Spanish, Dutch, Brazilian, and French ports mentioned above, but she did not take a single prize while consuming the eighty tons she was permitted to receive there ; yet the United States asked the arbitrators to declare that Great Britain had ‘failed to fulfil the duties set forth in the three rules in Article VI. of the Treaty of Washington,’ etc. ; and in considering the amount to be awarded to the United States, they asked that ‘the losses of individuals in the destruction of their vessels and cargoes by the *Sumter*, and also the expenses to which the United States were

\* See ‘British Counter-Case,’ pp. 67, 68, and Semmes’ ‘Adventures Afloat.’

† See list in Appendix to ‘United States Case,’ vol. iv., p. 473.

put in the pursuit of that vessel, may be taken into account.\*

The *Sumter* went from Cadiz to Gibraltar, where she was laid up and finally sold, and she never entered any other British port as a Confederate cruiser. What the United States asked the arbitrators to do was simply to declare that if a belligerent ship-of-war is permitted to purchase 80 tons of coal in a neutral port, the neutral nation becomes chargeable with all the damage she may subsequently inflict upon the other belligerent.

Throughout the case of the United States, the contention appears to be that whenever a Confederate cruiser was permitted to buy in a British port what is called 'an excessive supply of coal,' Great Britain was thereby permitting her territory to be used as a 'base of naval operations,' and made herself liable under the rules of the Treaty to make good the injury inflicted upon the United States by that cruiser thereafter. International law permits a neutral to sell to a belligerent vessel whatever she may require to renew her sailing or steaming power, but not arms or munitions of war, or anything else that will add to her purely warlike force. In the British 'Counter-Case,' it is contended that the consent of nations has drawn that line and no other, and that there is no such thing known to international law as 'an excessive supply of coal.' In the British 'Counter-Case' it was shown that if the Confederate ships were permitted to buy coal in British ports, the Federal cruisers got very much more, and therefore the United States had no just cause of complaint. To which the United States rejoined that it was Great Britain, and not themselves, who were on trial.

When it is considered that the two great maritime

\* 'United States Case,' p. 89.

Powers were engaged in a friendly arbitration, which it was hoped would settle principles tending to lessen the unnecessary burdens of war, such quibbling as the foregoing is as lamentable as it is unworthy. To put the case briefly, and from the point contended for by the United States, if Great Britain is ever again engaged in war, and a British man-of-war should go into some port in Alaska, or should touch at one of the Florida Cays, and buy eighty tons of coal, the United States would be responsible for every dollar's worth of damage she might inflict upon her enemy's commerce afterwards, because it must be borne in mind that the *Sumter* was originally fitted out at a Confederate port, and never entered a British port until after she had been fully recognised as a national ship-of-war.

Does any sane man suppose that any nation, even including the two who were parties to the Treaty, will ever adopt the rules of the Treaty of Washington as the common law of neutral duties? The United States would be the very first to discard them.

There is no reason to doubt that the Executive Government of the United States has always been willing to comply with its neutral duties, but the number of vessels armed, equipped, even officered and manned in American ports for belligerents, to wit, for the French Republic of 1792 and the South American States, and the histories of the Lopez expedition against Cuba, the various filibustering expeditions of Walker, the operations of the Cuban Junta, and the Fenian raids, all combine to prove how powerless the United States are to prevent infringements of their neutrality.

The United States have enormous coast-lines on the two great oceans. They have no navy to speak of, an army in its grand total not equal to a single European

corps d'armée, no national police at all, and a population especially averse to State interference in matters of local trade, and particularly inclined to encourage adventurous enterprises. There are places—they may be counted by hundreds—along the coast of the United States where a belligerent cruiser could enter and replenish her contraband stores and increase her crew without the least danger of interference, and yet the United States have proposed, and have obtained the sanction of a Court of Arbitration to, an extension of the principles of international law, involving responsibilities and liabilities which would make the position of a neutral but little less onerous than that of a belligerent. And what have the United States gained in return? A transient diplomatic triumph and a paltry \$15,500,000, an amount which cannot cover the regret every American must feel who reads the exorbitant and ill-considered claims that were presented to the arbitrators, and who learns from the British 'Counter-Case' how largely and for what reasons those claims were reduced in amount.

If the principles contended for by the United States were to be generally adopted, neutrals would be obliged to prohibit all traffic with belligerents, and to exclude all belligerent vessels from their ports. Powers like Great Britain, France, and the German Empire have possibly the police organization and the military and naval force necessary to guard all points and to enforce their prohibitions, but the United States and many other Powers are manifestly unequal to such a task, and they could not isolate their whole population from contact with maritime belligerents by any legislative or administrative restrictions.

The extension of belligerent rights which the United

States claimed and practised during the Civil War in respect to the search of neutral vessels on the high seas and of blockade, would be favourable to Great Britain with her numerous and powerful marine, and the broad interpretation of neutral duties prescribed in the rules of the Treaty of Washington would work to her advantage if she should be again drawn into a great war. But the United States as a neutral would be simply ruined by the application of those rules to them as a neutral Power. American ships could not approach the hemisphere in which either belligerent was situated without the certainty of search and capture, and they would incur incalculable damages for violations of their neutrality, which they could only prevent by openly espousing the cause of one of the belligerents, which, under all the circumstances, would probably be the safest and the cheapest course.

The '*Alabama* Claims' afforded a favourable opportunity for establishing a new and philanthropic method of settling international disputes, and they might have been the means of defining the relative rights and duties of belligerents and neutrals, so as to have greatly simplified the very complex and elastic code commonly called international law, and to have relieved some of the doubts and embarrassments of neutrals. But neither Power approached the subject in the right spirit. Great Britain yielded reluctantly, after years of opposition; the United States pressed their claims angrily, and demanded exorbitant and impossible concessions. At last, when the two Powers agreed to refer their differences to arbitration, they went before the Tribunal without any common understanding of the rules they had bound themselves to be judged by, and they wrangled over their meaning during the whole hearing of the cases,

Great Britain protesting to the last that the United States sought to give them an interpretation not contemplated by her Britannic Majesty's Government at the ratification of the Treaty.

The 'Geneva Arbitration' must therefore be recorded in history as a great international fiasco. It is thought by some to have saved the cost and peril of a war between Great Britain and the United States. This is important, if true, and no one is now disposed to be critical on that point, or desires to begrudge it the credit of having done that much in the cause of peace; but it was not the means of founding any new law, or clearly defining any old one. It laid down no general principle whatever, and the rights of belligerents and the duties of neutrals remain in the fog which has enveloped them ever since strong maritime Powers first began to enforce the one and exact the other—for that is the process by which 'international law' became the 'code of nations.'

No one who has had occasion to consult the standard authorities in respect to the rights and duties of belligerents and neutrals, or to search for precedents, is likely to attempt a dogmatic exposition of the law. It has, however, been commonly agreed heretofore that there can be no such thing as contraband goods on board of a neutral ship, when she is bound from one neutral port to another. The United States, previous to the Civil War, always contended for that doctrine, but during that great struggle their anxiety to isolate the South caused them to lose sight of every consideration but that of a present advantage. They stopped on the high seas, boarded, searched, and captured, neutral ships while sailing between neutral ports hundreds of miles from the blockaded coast, and have thus established precedents which will give them much trouble whenever



they may occupy the position of a neutral during a war between two strong maritime Powers.

### THE RULES PRESCRIBED IN ARTICLE VI. OF THE TREATY.

#### NOTE FOR PAGE 387.

‘A neutral Government is bound—

‘First,—To use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace ; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel being specially adapted, in whole or in part, within such jurisdiction, to warlike use.

‘Secondly,—Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

‘Thirdly,—To exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.’

#### NOTE FOR PAGE 400.

The award, in respect to money indemnity, etc., was rendered in the following words :—

‘The Tribunal, making use of the authority conferred upon it by Article VII. of the said Treaty, by a majority of four voices to one, awards to the United States a sum of 15,500,000 dollars in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the Tribunal, conformably to the provisions contained in Article VII. of the aforesaid Treaty.’

## CHAPTER VI.

Position of the Confederate Agents at the end of the War.—Financial difficulties.—The United States and the property of the Confederate Government.—Proceedings against Messrs. Fraser, Trenholm, and Co. by the United States Government.—Presidents Lincoln and Johnson.—The ‘reconstruction’ of the Southern States.—Political condition of the United States at the present day.

ALTHOUGH the shifts to which the fiscal agents of the Confederate Government were driven in their efforts to supply the ever-increasing wants of the country, and the condition of the Confederate finances in Europe at the close of the Civil War, are not perhaps subjects of much historical importance, yet a narrative whose purpose it is to reveal the means by which aggressive operations against the Federal Government were organized abroad, would scarcely be complete without some explanation of the peculiar and perplexing position in which the representatives of the Confederate States in Europe were placed by the sudden and complete overthrow of the authority under which they had been acting.

While Mr. Davis and his Cabinet could maintain their position in Richmond, they fulfilled all the practical requirements of a *de facto* Government, and were recognised as such by foreign Powers. Even the United States were

compelled to exhibit a marked distinction between their practice and their theory, and were driven by force of circumstances to treat in Virginia with men on terms of entire equality, who in Washington they denounced as 'traitors' and 'rebels.'

In ordinary international wars the defeat of the vanquished may be so crushing as to wholly disorganize the political institutions of the States, or even to effect an entire change in them, as was the case with France at the close of the Franco-German war. But in all modern contests between different countries there has remained at the close of the struggle a vested sovereignty in the people of the defeated States, which the conquerors themselves have acknowledged, and they have been permitted to decide upon the authority who should act for them in pledging the national faith, and thus arranging the conditions of peace. But when General Lee was forced to abandon his lines around Richmond, the Executive Government of the Confederacy was compelled to retire with him or to quickly follow, and when the armies under Lee and Johnston surrendered, and the officers and men dispersed to their homes under parole, there was no longer a common central authority to whom the several States could refer. Indeed, after Mr. Davis and his Cabinet were driven from Richmond they never found a resting-place in which they could remain long enough to examine the condition of affairs and to re-organize further resistance. President Davis was soon captured; the Vice-President, Mr. Stephens, and the Secretary of the Navy, Mr. Mallory, were shortly afterwards arrested; Mr. Benjamin, who was the Secretary of State, and General Breckenridge, the War Secretary, happily escaped and got out of the country; and thus it will be perceived that the civil organization of the

Confederate States was destroyed simultaneously with the military power which gave it vitality.

The politicians in Mr. Lincoln's Cabinet, and the Republican senators who had professed extreme views on the question of secession, had now the opportunity to enforce their favourite theory—a theory so often and so vehemently enunciated by Mr. Seward in the declarations that 'the integrity of the Republic is unbroken,' the so-called Civil War 'is only an insurrection,' the Southern people 'are rebels,' and the Government at Richmond 'represents merely a domestic faction.'

The Southern States were without a common rallying point, and were thus deprived of the strength which results from union, even if they had not been too thoroughly exhausted to make any further resistance. The people in the conquered States had no other resource than to submit, and the victors, with an external manifestation of clemency, imposed conditions in the way of test oaths, political disabilities, alien governors, universal negro suffrage, and executive interference with elections, which have left a permanent stain upon the political institutions and the political integrity of the whole country.

By the conditions under which the military leaders of the South had surrendered, the whole population actually in arms against the United States were protected against any civil prosecution, and it would have been so manifest a violation of those conditions to proceed against any of them by indictment for 'treason,' that the extreme men in the North were forced to abandon that purpose. Reasonable men also perceived that it would not be either rational or just to prosecute mere civilians for alleged offences which had already been condoned in respect to the military forces of the Confederacy. It is well known that several prominent leaders of the Re-

publican party were desirous to act with extreme rigour, and were disposed to treat the vanquished Southerners with all the penalties commonly inflicted upon traitors and rebels, but their hot tempers and harsh counsels were not suffered to prevail, and they were forced to exhaust their malice in vituperative speeches, which I refrain from quoting, having no wish to revive animosity on the one side, or to provoke a blush on the other.

The civil as well as the military and naval representatives of the Confederate States abroad were excluded from 'pardon,' under the so-called Amnesty Proclamations, which were issued immediately after the war, and none of them could have returned to the United States without the certainty of arrest, imprisonment, or, under the most favourable circumstances, the alternative of taking what has not been inaptly called the 'iron-clad oath.' The course to be followed by officers, whether of the civil or military service of the Confederate States, at home, was plain. As sensible men, they could only submit to the requirements of the situation, and look for consolation to the future, with its cheering promises of recuperative energy, wealth, and freedom. The representatives of the Confederate Government abroad were in a different position. Their duties had compelled them to enter into large business transactions with persons in many branches of trade, who had always acted with scrupulous fidelity in the fulfilment of their engagements, and who had undertaken large contracts for forward delivery upon the personal guarantee of those whom they knew were authorized to pledge the credit of the Government.

I suppose it is hardly necessary to demonstrate that contracts made by the representatives of the Confederate Government were valid in law, and that there was the

same reciprocal obligation to fulfil them as existed between the agents of the United States and the tradespeople with whom they had contracted business engagements. It is sufficient to state that when the sudden collapse of the Civil Government at Richmond was known in Europe, the very best legal advice was sought, and the opinion of eminent counsel was that the acts of all Confederate agents duly appointed by the proper authority at Richmond, and which had been done within the limits of their prescribed power, would be recognised and confirmed by the English Courts; and that no Confederate agent, and no person who had dealt with him, could be held to a responsibility greater either in kind or degree towards the United States than that which the Confederate States could have exacted. The foregoing opinion appeared to be in accordance with common-sense and common notions of equity, and it was afterwards confirmed by the judgments of the Courts, when the United States attempted to seize property alleged to have been acquired by the Confederate Government, without acknowledging and paying the claims or liens of those who were in possession.

There were two fiscal agencies of the Confederate States in Europe during the Civil War. The commercial house of Fraser, Trenholm and Co. were the bankers, or, as they were officially called, the 'Depositories,' of the Treasury. At a very early period of the war, one or two sums of money were remitted to special purchasing agents for specific purposes, and were at once expended for these purposes; but as soon as Messrs. Fraser, Trenholm and Co. received their official appointment, all remittances, whether in cash sterling or produce, were made to them, and they were instructed to place the funds to the credit of the several Depart-

ments, and to pay the drafts of the purchasing agents in Europe, as well as bills drawn by the heads of departments in Richmond, or their representatives elsewhere. Messrs. Fraser, Trenholm and Co. opened a special set of books for the record of their financial transactions with the Confederate States, and those books contained a complete register of all the funds the Treasury Department was able to place in Europe by export from home.

During the year 1862, General Colin J. McRae was sent to Europe as a special agent of the Treasury, his functions being to regulate the disbursement of the so-called 'Erlanger Loan,' and to negotiate the sale of Treasury Bonds. The heads of the several departments sent drafts upon him to meet the wants of their purchasing agents, which he had to honour from the above-mentioned sources, and his office was also to do all that was possible to keep the bankers in funds.

After the fall of Fort Fisher, about the middle of January, 1865, intercourse with the Confederate States was cut off through the sea-ports. There were, it is true, one or two shoal bays on the coast of Texas into which supplies might still have been sent, but then there was but little chance of the Trans-Mississippi States holding out if the military power of the Confederacy elsewhere was once destroyed; and as the strategic points on the banks of the Mississippi were in possession of the United States, and numerous gunboats patrolled its waters from the mouth of the Ohio to New Orleans, no quantity of supplies sufficient to justify the cost and risk of transport could have been got across, even if they could have been safely landed on the Texan shore. The financial agents of the Confederate States saw that remittances must cease after the capture of

Fort Fisher, which closed the last port from which shipments could be made, and they warned those who were charged with the duties of purchasing and forwarding to contract their operations, and to prepare for a final settlement.

Before the end of 1864 the net proceeds of the 'Erlanger Loan' had been exhausted, and the supply of funds from the sale of bonds, never very large, had wholly ceased after the fall of Fort Fisher, partly because they could not probably have been sold except at a nominal price, but chiefly because the fiscal agent, foreseeing that the end was close at hand, felt restrained from offering them. General McRae was therefore reduced to great financial straits, and was only able to meet the most pressing and urgent wants by means of the funds accruing from the forced sale of several ships, and the transfer of those funds to the Treasury Department, which, under the circumstances, was an absolute necessity.

Messrs. Fraser, Trenholm and Co., the bankers of the Government, were in no better plight at the close of the war than the special fiscal agent of the Treasury. They had throughout the war used their own commercial credit without stint to sustain the Government, and were nearly always under advances, at least to the War Department. During the last three or four months of the struggle, the Richmond authorities sent several agents to the Bahamas, Cuba, and Texas, with urgent instructions to hurry in supplies, and drafts from those agents came upon the bankers at Liverpool at the last moment, in many cases without advice, and when they were well-nigh overwhelmed by the requirements of the local agents.

At the time when hostilities actually ceased and the



authority of the United States over the whole country was resumed, the Confederate finances in Europe were in a condition of actual depletion. The only Department which had a balance in the hands of the bankers was that of the navy ; but that balance was not sufficient to make good the deficits in other accounts. Messrs. Fraser, Trenholm and Co., acting with their accustomed liberality and public spirit, informed me that they would pay any liabilities of the Navy Department for which I had given a personal pledge, but they thought that I should make the best practicable arrangements with contractors, so as to leave as much as possible for transfer to the general account. The justice as well as the liberality of this proposition was so apparent that I cheerfully accepted it, and the final statement of account exhibited a considerable amount still to the credit of the Navy Department, which helped to reduce the general balance against the defunct Government.

In those painful settlements I happily experienced the advantage as well as the satisfaction which results from dealing exclusively with persons of the first respectability, because I had no difficulty in effecting arrangements with those who were still under contract with the Navy Department through me which they were good enough to say were satisfactory. In several important cases it was not possible to pay in full, but such settlements were made as, by leaving the property in possession of the contractors, apparently secured them from ultimate loss, although they might have difficulty and delay in realizing, as the goods, from their nature, would be difficult of sale in ordinary times of peace.

The arrangements for the War Department were not so satisfactory, because the operations had not only been on a larger scale, but it had also been necessary to

employ a great many agents, who were stationed at distant points, and could not therefore keep the bankers and the general fiscal agent of the Treasury regularly and accurately informed of their prospective wants.

It is generally known that the United States took possession of all the property of the Confederate Government which could be identified, and which was within the Southern States at the close of the war. The authorities at Washington did not permit any perplexing questions of private claims, by reason of loans to the Confederate Government or other liens based upon dealings with a Confederate agent, to deter them from seizing and appropriating cotton or military stores, or any other property in which it was possible to trace a Confederate title.

Mr. Seward was not content to base the claims of the United States upon the plea that they had succeeded by right of conquest to the title of the Confederate Government, but he took the position that Mr. Davis and his Cabinet having been 'merely the representatives of a domestic faction,' never did have the status of a *de facto* Government, and therefore all transactions with them were illegal, null and void. In the Southern States, and in regard to the claims of persons to property within the conquered territory, and therefore within the power of the Federal Government, it was possible to enforce the foregoing pretensions, but Mr. Seward soon attempted to apply the same principle in Europe. The Consuls appear to have been instructed to bring suits against the fiscal agents of the Confederate Government and to attach all property which they had reason to believe belonged to that Government. A direct straightforward courteous inquiry from the United States Minister, or from any other representative whom Mr.

Seward had chosen to appoint for the purpose, formally and officially addressed to either of the fiscal agents, or to either of the chief practical agents of the Confederate Government, would have been met by a prompt and equally straightforward reply, and all questions of right and title to property could have been satisfactorily settled without unnecessary loss to individuals, and without sacrifice of dignity on the part of the United States.

Within about three months after the surrender of General Lee, a case involving the title to some alleged Confederate property was brought before the late Vice-Chancellor Sir W. Page Wood (afterwards Lord Hatherley). That learned and most conscientious judge laid down the rule, that 'whenever a Government *de facto* has obtained possession of property, as a Government, and for the purposes of the Government *de facto*, the Government which displaces it succeeds to all the rights of the former Government and to the property they have so acquired.' The Vice-Chancellor then proceeded to say, in effect, that the Confederate States had been a *de facto* Government, that British subjects had the right to deal with that Government while it existed, and that the United States could have no greater or more exclusive interest in the property than the Government which they had displaced originally possessed, and he gave judgment accordingly.

The foregoing principle being thus authoritatively enunciated and settled, I will undertake to say that all of the official representatives of the late Confederate Government in Europe would have accepted it, and would have loyally assisted any reputable and duly authorized agent of the United States in winding up affairs so as to secure to that Government their just rights. But it did not suit Mr. Seward's purpose to

proceed in accordance with Vice-Chancellor Wood's interpretation of the law. He manifestly wished not only to get possession of the Confederate property, but to punish those who had dealt with the 'insurgents.' Persons whom no one knew anything about were sent to England to spy out the land, and to discover if there was any Confederate property within reach. Arrangements were made with those persons that they were to receive a portion of the property which might be recovered through their efforts.\* The persons referred to were soon in consultation with the Liverpool Consul, and it was generally known that they were travelling about the country and making inquisitorial inquiries into the alleged transactions of various tradespeople with the late Confederate agents.

It will, I think, be admitted that these were not dignified proceedings, and it is at least doubtful whether any respectable Government ever before attempted to settle important matters by such means. Mr. Seward could hardly have supposed that any Confederate agent who had due regard for his own personal honour, or who retained any loyal feeling of obligation to those who had come into business relations with him, would either approach or permit himself to be approached by those 'commission agents.' I wish to cast no reflection upon them personally, but their office was one that would not have tempted a representative of the Confederate Government to join in their explorations.

It is worthy of mention that the plan of getting possession of Confederate property through such means did not result in much pecuniary profit. By a return published in the Congressional Document referred to

\* See 'Executive Document, No. 304, House of Representatives, 40th Congress, 2nd Session.'

above, it appears that the gross proceeds of the property thus obtained in England during the years 1866-67 amounted to \$144,157.15—the greater portion of which accrued from the sale of the *Shenandoah*, which realized \$108,632.18—against which are charged disbursements to the amount of \$90,308.76. Some of the items in the disbursements are interesting as well as curious. One person received in fees as counsel \$10,000, another styled ‘special counsel’ is credited with \$17,339 and a third, mentioned as ‘special agent,’ got \$11,963. One of the items is sufficiently important to be quoted in full. It runs thus:—‘1867, August 5th, paid Barings, for advances, £6,600 (including 150,000 francs deposited by the United States as security for costs in suit against Arman, in France) = \$45,265.04.’

The suit against M. Arman has been mentioned in a previous chapter. He would have been glad to effect a compromise with the United States to avoid the trouble and expense of a law-suit, but the representatives of that Government were instructed to proceed against him upon the principle that the Confederate States had no legal right to the money paid to him, and therefore could give him no title, and they appear to have sought to recover the whole amount it was supposed that he had received on account of the Confederate ships. The French Court gave judgment in favour of M. Arman, and the United States were subjected to the additional mortification of having to get an advance of 150,000 francs from Messrs. Baring to deposit as security for M. Arman’s costs, a requirement very unusual, if not unprecedented, in respect to a Sovereign State.

Very shortly after the close of the war, the United States Consuls in England began, in compliance with their instructions, to harass persons supposed to have

Confederate property in possession by attachments, etc. ; and they instituted a suit against General McRae, the general fiscal agent of the Treasury, the object being to draw from him a statement of account and payment of any balance in hand. The position assumed by the United States in the above process, and the answer of General McRae, were such that the Court dismissed the suit, and no further proceedings were taken against him. A corresponding suit was instituted against Messrs. Fraser, Trenholm and Co., and was continued for several years.

While these various proceedings were in progress, an arrangement was come to between Mr. F. H. Morse, the United States Consul in London, and Messrs. Fraser, Trenholm and Co., which it was hoped would result in a full exposition of the financial condition of the Confederate States at the close of the war, and would also enable the United States to obtain possession of the proceeds of all property of the Confederacy in excess of the legitimate liens against said property. By the terms of that agreement, Messrs. Fraser, Trenholm and Co. were to submit the whole of their books and accounts with the Confederate Government to official inspection, and they were to give a statement of all property of that Government which was then in their possession, or which might at any time thereafter come into their hands. The property was to be sold to the best advantage, the United States giving full titles ; and the proceeds were to be appropriated, first in payment of the claim of Messrs. Fraser, Trenholm and Co. for over-advances to the Confederate States, which it was agreed should be fixed at £150,000, although they alleged it to be much more ; and all in excess of that amount was to be paid over to the United States. Mr. Morse produced official letters from Mr. Seward and from the Secretary

of the United States Treasury, which the solicitors of Messrs. Fraser, Trenholm and Co. thought contained full authority to him to make the arrangement; and there can be no doubt that if it had been carried out, there would have been a fair, open, and perfectly trustworthy settlement of affairs, and the United States would not only have obtained an account of the Confederate property remaining abroad at the close of the war, but they would have received the net proceeds without vexing so many persons with costly legal proceedings, and placing themselves often in undignified positions before the Courts of England and France.

As a part of the agreement with Mr. Morse, Messrs. Fraser, Trenholm and Co. undertook to lay the proposed arrangement before the practical agents of the several Departments of the Confederate Government, and to represent to them the propriety of assisting in bringing about a satisfactory settlement. When the scheme was mentioned to me, I consented to render every possible assistance; and I believe all the principal agents of the Confederate Government would have acted in the same spirit. No one had any other wish or purpose than to protect those who had fair and legitimate liens upon the property; and if the United States had been willing to acknowledge those liens, a large quantity of goods and materials could have been collected, which, if openly sold without doubt as to title, would have realized, together with the proceeds of the steamers built or building under the McRae contract, a sum sufficient to have left a much larger balance to go into the United States Treasury than found its way there through the means actually adopted.

Before the arrangements between Mr. Morse and Messrs. Fraser, Trenholm and Co. could be got into

working condition, Mr. Seward telegraphed Mr. Adams, the United States Minister in London, 'to disavow and reject' it *in toto*. It appears from a lengthy document issued for the information of the House of Representatives in Washington,\* that there was some jealousy between certain Consuls and other agents of the United States abroad, and such representations were made to Mr. Seward in respect to Mr. Morse's arrangement that he determined to annul it, and as I do not wish to take any part in a family quarrel, I refrain from any comments, further than to say that Messrs. Fraser, Trenholm and Co. could not possibly have concealed any of their dealings with the Confederate Government, even if they desired to do so, because the United States had already obtained an order from the Court of Chancery for an examination of their books by an official accountant, and a close and thorough inspection was made of all their transactions and accounts with the Confederacy during the entire period of the war, under the supervision and direction of the Solicitors of the United States; and thus Mr. Seward knew, or could have known, every penny of public funds that came into their hands as the bankers of the Confederate Government, and could have known to whose order, or on whose behalf, it had been paid out. The United States Government must, then, have been perfectly well aware that the finances of the Confederate Government abroad were exhausted at the close of the war, and their further proceedings against the bankers of the defunct Confederacy can hardly be attributed to any other motive than one of revenge.

After repudiating the Morse arrangement Mr. Seward

\* See 'Executive Document, No. 63, House of Representatives, 39th Congress, 2nd Session.'



directed the Liverpool Consul to prosecute the suits against Messrs. Fraser, Trenholm and Co., and that unhappy firm was pursued with relentless zeal, and was so persistently involved by their persecutors in Chancery and other proceedings, that it was hardly possible for the partners to give due attention to their private business, and finally their financial credit was affected, and they were reduced to commercial ruin.

I feel that I can speak impartially of those matters, because no United States official ever gave me the least personal trouble or annoyance after the war, and except for my voluntary offer to assist in bringing the 'Morse arrangement' to an equitable settlement, I should never have come in contact with any one of them at that time. In consequence of my consent to assist in the above settlement, Mr. Consul Morse called on me in London, and said that his only wish was to effect an equitable arrangement which would secure the rights of his Government without detriment to just private claims, and without the irritation and expense necessarily caused by litigation; and there can be no reason to doubt that Mr. Morse was both sincere and disinterested in his efforts, because by the arrangement with Messrs. Fraser, Trenholm and Co. he was sacrificing the importance as well as the profits which would have been attached to his office as a prosecuting agent of those national claims.

The foreign policy of the United States during the war was conducted in a spirit which brought some discredit upon American institutions, and the country was not placed in a worthy position before foreign courts of law by their representatives after the war. These convictions have been forced upon me by the necessary perusal of a large portion of the diplomatic correspond-

ence and the reports of the legal proceedings which the United States initiated in England and France.

In composing the difficulties at home, after the cessation of hostilities, the ruling powers seemed equally regardless of ultimate consequences, or the effect of their action upon the national character. The evil consequences of the war are mainly due to the ill-advised measures of reconstruction adopted by the politicians at Washington, because the Southern people, properly so called, had no voice in the matter at all. The union between the several States of the South was not complete, and the various Administrative Departments of the new Confederacy were not yet fully organized, when hostilities began, and such preparations for the great struggle as it was possible to make were effected under the pressure of daily increasing demands, with which it was never possible to keep pace. Hence the Confederate Government was ever enduring an extreme tension, and the fortitude, patience, and endurance of the Southern people were put to a test from which there was no relief, but, on the contrary, a ceaseless and ever increasing strain. Weeks, often months, were required to collect materials for a single battle; and whether the issue of each succeeding struggle was victory or defeat, the exhaustion of supplies was equally thorough. Thus it was nearly always impossible for the Confederate armies to follow up a victory; and when they met with a serious check or repulse, the disaster was only short of being a crushing and perhaps irretrievable catastrophe from want of energy in the victor, or his ignorance of the actual destitution of the vanquished. The poverty of the South in respect to military resources, the great extent of the country (poorly provided with roads), the scattered population, and the difficulty of transport—all

combined, not only to make the labour of collecting and maintaining troops in the field very arduous, but appeared from the beginning to render final success well-nigh hopeless in the minds of those whose judgment was superior to their enthusiasm.

All who have studied the facts impartially will probably admit that the successful resistance of the South for four years was a surprising effort, never excelled, if it has been equalled, in any great historic struggle of which we have a trustworthy record.

Experiments have demonstrated that rigid objects subjected to a breaking strain generally give way at last with a repulsive energy commensurate with the tenacity of their resistance, and either fly into fragments, or leap asunder with a vicious sweep that makes the near neighbourhood dangerous. At any rate, the final rupture is always complete, thorough, and irremediable. It was so when General Lee's grasp upon the defences of Richmond was torn adrift. The wrench vibrated to the very heart of the Confederacy, and the whole fabric fell at once into chaos.

The most lamentable event which could have happened for the South, and indeed for the whole country, did unhappily occur in the assassination of President Lincoln almost immediately after the cessation of active hostilities. Mr. Lincoln had all the prestige of success to strengthen his position, and he had also the entire confidence of the great mass of the Northern people. He was naturally of a kindly disposition, and had on many occasions openly and frankly declared that all he wanted was to 'restore the Union.' Even during the heat and passion of the war he had expressed many generous hopes for the final restoration of brotherly feeling between the dissevered sections of the country,

and his first utterances after receiving the news of General Lee's surrender appear to indicate that he rejoiced rather that a fratricidal strife was ended than that an enemy had been beaten. Looking, then, to his temperament; to the genuine, even though somewhat grotesque, *bonhomie* of his character; the prestige of his position, and his personal popularity, it is well-nigh certain that if he had been spared, the so-called 'reconstruction' of the Southern States would have been effected in far less time, and with few, if any, of the evil consequences which now unhappily remain as mementoes of that unquiet period.

Upon the death of Mr. Lincoln, the Vice-President, Mr. Andrew Johnson, of Tennessee, succeeded to the higher office; but he brought to the management of affairs neither Mr. Lincoln's qualities nor his influence. The new President was a Southern man who had taken the side of the Federal Government against his own State, and he appeared at first desirous to manifest a persecuting zeal against the Southern people equal to the bitterest Party leaders at the North. His earlier proclamations and personal speeches exhibited a purpose to act with great rigour—indeed, some of his expressions can hardly be described as less than sanguinary. Afterwards he relented, and seemed very desirous to ameliorate the harsh and ruinous measures that Congress was forcing upon the South; but the extreme men had then got complete control. The majority of the Northern people had gone back to their private business and to their pleasures, and the chief politicians of the dominant Party were masters of the situation.

The President had lost the popularity which his 'loyalty' during the war had won for him at the North. He was very naturally distrusted at the South, and the

Republican members of Congress who controlled the Government treated him with a degree of contempt which at last found visible and startling expression in a serious but futile effort to remove him from office by impeachment. It was soon manifest that Mr. Johnson could do nothing to modify the scheme of 'reconstruction' proposed by the leading Republican senators, who were supported by a large majority in the House of Representatives. His subsequent zeal in opposing the will of Congress was almost as unfortunate for the South as his earlier purposes promised to be threatening and disastrous, because it stimulated his opponents to act with increased energy and rigour, in order to gratify their ill-will to him.

It can hardly now be doubted that if the best men at the South, whose personal honour was unimpeachable, and whose influence with the white people, and with the impressionable and docile negroes, was paramount, had been invited to take the lead in the pacification of the country and the rearrangement of the State Governments, there would have been far less confusion, less pecuniary loss, and fewer bitter memories. Mr. Alexander H. Stephens was, from personal qualities and public services, the foremost man in Georgia. He was originally opposed to the secession of the Southern States,\* a fact well known at the North; but when the Convention, elected by the people of Georgia to determine the action of that State passed the 'Ordinance of Secession,' he yielded his will to that of the majority, and became Vice-President of the Confederate States.

Can anyone doubt that if the people of Georgia had been permitted to elect Mr. Stephens to the office of

\* He thought secession inexpedient, but did not deny the right of the Southern States to secede.

Governor, or if the United States had appointed him to that office provisionally, at the close of the war, the pacification and the 'reconstruction' of that important State would have been effected without violence or local resistance? Is it not absolutely certain that the people of Virginia would have welcomed General Lee with enthusiasm as their Governor? and will anyone now venture to affirm that either of those men (General Lee or Mr. Stephens) would have failed to use their influence and their power in complete harmony with the purpose to restore, not only the political, but the fraternal union of the States? The history of their lives before and after the Civil War, the services of both to the whole Union in former times, and the eulogies pronounced upon Mr. Stephens in the United States Congress on the occasion of his death (within the current year, 1883), furnish a sufficient answer.\*

But what are the facts in regard to the 'reconstruction of the South?' Mr. Alexander H. Stephens was arrested and taken away from his home under some vague charge of treason, and General Lee was saved from a like indignity only because the terms of his military surrender afforded a clear and explicit protection against civil prosecution. The leaders—and, indeed, all the prominent men in the South—were disfranchised and disqualified from holding any public office. The external forms of public elections were permitted, but they were carefully guarded and regulated by the Federal authorities. The management of the elections and of affairs generally was given over to needy adventurers from Northern States, who entered into association with the

\* Distinguished men from other Southern States might be mentioned who would have acted in harmony with Mr. Stephens and General Lee.

'residuum' of the local white population; and they contrived, with the support of the Party politicians at Washington, to thrust the freedmen into a position for which they were not in the least degree fitted, and which produced an antagonism of races, the unhappy effects of which will be felt for many a day to come. White men with neither property nor experience, aliens who had no local interests and no local ties, and negroes who could neither 'read, write, nor cipher,' were elected to the State Legislatures, and were entrusted with the delicate and important office of readjusting the shattered foundations of society, and the bankrupt finances of great commonwealths.

The result was to impose the burden of intolerable taxation upon thousands who held all the property which the ravages of the war had spared, but who had had no voice in the election of their so-called representatives, and the manufacture of State Bonds whose proceeds were in great part squandered; and a further and more unhappy effect was that of creating a stinging sense of injustice, and a consciousness of improper administration, which at first aroused feelings of dismay and aversion, and has at last taken in some States the practical but lamentable form of 'repudiation.'

Confessions made by leading politicians at the North have established the fact that the 'reconstruction' policy of the ruling faction was based upon the expectation of securing the votes of the Southern States to the Republican Party, and thus to insure a continued lease of power. But the very same men have acknowledged that the result has not been satisfactory. The intolerable nuisance and shame of 'carpet-bag' governors and ignorant, thriftless legislators drove the unquiet spirits of

the South into a condition of 'veiled rebellion,' which the more orderly, who longed for repose, and perceived its necessity, could not prevent. As the political disabilities of the whites were removed, or the disqualifying Acts were permitted to lapse, the superior race assumed its natural ascendancy, and the pliant blacks were taken like sheep to the polls, and voted against the very Party who claimed their gratitude for giving them their freedom and the protection of the franchise.

We have the highest possible authority for believing that afflictions are ultimately beneficial to those who are duly 'exercised thereby.' Surely the American States, from the great lakes of the North to the Gulf of Mexico, and from the tide-waters of the Atlantic to the golden gates of San Francisco, were scourged and chastened by that terrible Civil War. But what has been the effect upon the political institutions of the country? The populous commercial cities of the North are held in the grasp of corrupt associations, and the representatives of the people in Congress, the executive officers of the several States, and the highest members of the national Government, are spoken of with suspicion, if not with contempt, by the very people who, by the theory of the Constitution, have the right, and therefore the responsibility, of choosing their own rulers.

At the South the condition of affairs is, if possible, even worse. The necessities of the 'reconstruction' period have produced a large class of professional Party whips and 'manipulators,' in whose hands the docile negro, vain of his franchise, as children with a new toy, is nothing more than clay to the potter. Flattered, cajoled, sometimes threatened, he for the present helps to swell the great Democratic majorities in the Southern States; but to-morrow, or the day after, he may be sent flying



like a shuttlecock to the other existing Party. To-day he votes taxes by thousands of dollars to meet the interest on State Bonds, and to-morrow, under a change of influences, he votes for repudiation, but is known in the new political phraseology of the period by the euphemistic title of a 'readjuster.' Can anyone acquainted with the history of Virginia, that grand old Commonwealth, 'the mother of Presidents,' the birthplace of Washington, Patrick Henry, Jefferson, Madison, the Lees, and other founders of the great Republic, believe that the present policy of 'readjusting' the State debt is the true popular will? Does anyone doubt that the present condition of affairs in Virginia is the result of an arrangement between the leaders of the ruling Party at Washington and the men—some ambitious and some unscrupulous—who have been bred since the war, and who have sold, not their own birthright, but that of their State, for Federal office, or Federal favour of some sort?

The politicians whom the people of the North were content to trust with the important duty of reuniting the dissevered States do not appear to have looked very far into the future. The more violent spoke and acted with bitterness and precipitancy, and they carried their measures for the reconstruction of the vanquished States by appeals to the prejudices of the moderate men of their party, and by exciting the fear of open resistance, or perhaps even a renewal of the war by the Southern people. They deliberately set on foot a system of managing the elections throughout the South by the direct interference of the central power at Washington, and with the purpose to maintain a particular party in office, they bargained with the least reputable and most ignorant of the Southern population, and have thus

extended and confirmed over the whole country a system of interference in the management of elections, and of trade and barter in respect to the public offices, which had indeed begun to prevail even before the Civil War in the large cities, but whose baneful effects had not yet depraved the rural districts and the least populous States.

It is a remarkable fact that the political leaders who directed and controlled the executive and legislative powers of the United States at the end of the Civil War wholly neglected to define the rights and privileges of the individual States by a specific declaration. The pretence that the war upon the South was fought in the interest of the negro, or to effect his freedom, will hardly now be affirmed by any one who is acquainted with the history of its origin. The object of the Federal Government, and of the States which supported it, was to prevent the dissolution of the Union, and the principle involved was that no State should retire or secede from the National League without the consent of the others.

It is admitted, even by the majority of those who were most strongly opposed to the doctrine of State Rights, that the Constitution was at least vague on that point. It remains in the same condition now. So great was the desire of the politicians to reconstruct the Union in a manner which should serve their party purposes, that they either forgot or were heedless of the real end for which so much blood and treasure had been expended, and although they introduced 'amendments' in the Constitution to clearly define and secure the designs which were then uppermost in their minds, they left the relations of the States towards each other, and towards the general Government, in the precise condi-

tion which those questions occupied on the morning when the echoes of Beauregard's guns at Charleston aroused the whole country, and involved the rival sections in a fratricidal struggle.

It was manifestly impossible for a new country like the United States to wait for the gradual growth of a Constitution like that of Great Britain. When the American colonies achieved their independence, and formed a union or federation for purposes of mutual protection and mutual profit, it was no doubt necessary to draw up a formal agreement to define the conditions of the Union, and the powers of the central or general authority. The result of the Civil War has been to prove that in a great democratic confederation, the interpretation of the written document which prescribes the relative rights and duties of the several parties rests practically with the majority, and the minority have no right of appeal, and no tribunal to which they can appeal. So long as political parties are distributed with a near approach to equal proportions in the different States, such Constitutional documents answer well enough, but when questions arise which affect the States differently, and a large group is disposed to follow one policy, and the smaller and weaker group is impelled to a different course, then the meaning of the compact, or constitution, or Articles of Confederation, or whatever the document may be called, will be determined by that combination of States which compose the majority.

The political corruption which has become so lamentably apparent since the war, and the obscurity which exists in the national Constitution on some important points, are doubtless subjects of serious and earnest thought to all Americans whose patriotism rises above

party, and who think the United States have a higher and more important mission than to populate a continent, to grow big crops of corn and cotton, and to accumulate great wealth.

The injuries inflicted upon each other by the North and the South during the heat and passion of the struggle were deep, but many of the most violent spirits have already disappeared, and their bitter memories are happily buried with them. Those who remain of the generation who took part in the war are conscious of a yearly increase of brotherly feeling, and perceive with satisfaction a growing tendency in both sections of the Union towards a mutual reconciliation. If the young men who have sprung into manhood since the Presidential Election of 1860 will heartily unite in efforts to restore the pristine purity of the Government, and the primitive simplicity of its Republican form, the restored Union may have a more glorious future than could have been attained by that which was dissolved in 1861, and the joy and pride of belonging to it will render the right of secession a question of no importance.

THE END.













